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TITLE 6

EDUCATION

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SUBTITLE 1. GENERAL PROVISIONS

CHAPTER 1

GENERAL PROVISIONS

SUBCHAPTER.

1. GENERAL PROVISIONS.
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SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-1-101. Review of audit report by board.

6-1-101. Review of audit report by board.

(a) The audit of every publicly funded educational institution shall be performed by the Division of Legislative Audit or other independent person licensed to practice accounting by the Arkansas State Board of Public Accountancy to be selected by the governing body of the educational institution.

(b) Any statutorily required audit of an educational institution performed by an independent accountant shall include, as a minimum and as an integral part of the annual financial report, a review and comments on substantial compliance with each of the following:

(1) Management letter for audit of political subdivisions, §§ 14-75-101 — 14-75-104;

(2) Compliance with ethical guidelines and prohibitions for board members, administrators, and employees, § 6-13-628 and § 6-24-101 et seq.;

(3) School elections, § 6-14-118;

(4) Management of schools, §§ 6-13-617 — 6-13-620, and 6-13-701;

(5) Revolving loan fund, §§ 6-19-114, 6-20-801, and 6-20-802;

(6) School district finances, §§ 6-20-402 and 6-20-409;

(7) School district school bonds, §§ 6-20-1208 and 6-20-1210;

(8) Teachers and employees, §§ 6-17-201, 6-17-203 — 6-17-206, 6-17-301, and 6-17-401;

(9) Teachers' salaries, the Minimum Foundation Program Aid Act, §§ 6-17-803, 6-17-907, 6-17-908, 6-17-911 — 6-17-913, 6-17-918, and 6-17-919;

(10) Deposit of funds, §§ 19-8-104 and 19-8-106;

(11) Investment of funds, § 19-1-504; and

(12) Improvement contracts, §§ 22-9-201 — 22-9-205.

(c) The governing body of the educational institution shall require the independent accountant to present the annual financial report in conformity with the format and guidelines as prescribed by the appropriate professional organizations such as, but not limited to, the American Institute of Certified Public Accountants, the National Council on Governmental Accounting, and the National Association of College and University Business Officers.

(d)(1) The audit reports and accompanying comments and recommendations relating to any publicly funded school, education service cooperative, vocational-technical school, or institution of higher education prepared in accordance with the provisions of this section or other code provisions shall be reviewed by the applicable board or governing body.

(2) The audit report and accompanying comments and recommendations shall be reviewed at the first regularly scheduled meeting following receipt of the audit report if the audit report is received by the board or governing body prior to ten (10) days before the regularly scheduled meeting. If the audit report is received by the board or governing body within ten (10) days before a regularly scheduled meeting, the audit report may be reviewed at the next regularly scheduled meeting after the ten-day period.

(3) The board or governing body shall take appropriate action relating to each finding and recommendation contained in the audit report. The minutes of the board or governing body shall document the review of the findings and recommendations and the action taken by the board or governing body.

(e) In addition to any other requirements in this section, the Legislative Joint Auditing Committee may establish additional compliance or financial reporting requirements for audits of publicly funded educational institutions performed by the division or by an independent person licensed to practice accounting by the board.

(f) Education service cooperatives shall be subject to the same financial management practices, reviews, and designations as provided for school districts under § 6-15-2101.

History. Acts 1985, No. 29, §§ 1, 2; 1985, No. 66, §§ 1, 2; A.S.A. 1947, §§ 13-1528, 13-1529; Acts 1991, No. 4, § 1; 2003 (2nd Ex. Sess.), No. 61, § 2; 2007, No. 617, § 1; 2009, No. 286, § 1.

rewrote (b)(2); deleted “§§ 6-14-102 and” in (b)(3); substituted “6-17-913” for “6-17-915” in (b)(9); deleted (b)(10) and redesignated the remaining subdivisions accordingly.

Amendments. The 2009 amendment

SUBCHAPTER 3 — ARKANSAS COMMISSION FOR COORDINATION OF EDUCATIONAL EFFORTS

SECTION.

6-1-301. Arkansas Commission for Coord-

dination of Educational
Efforts.

6-1-301. Arkansas Commission for Coordination of Educational Efforts.

(a) There is created the “Arkansas Commission for Coordination of Educational Efforts”.

(b) The Arkansas Commission for Coordination of Educational Efforts is composed of the following members:

- (1) The Director of the Department of Higher Education;
- (2) The Commissioner of Education;
- (3) The Director of the Department of Career Education;
- (4) The Director of the Division of Child Care and Early Childhood Education of the Department of Human Services or his or her designee;
- (5) The Director of the Arkansas Economic Development Commission;
- (6) The Vice President for Agriculture of the University of Arkansas System;
- (7) The President of the Arkansas Science and Technology Authority;
- (8) The Director of the Department of Information Systems or his or her designee;
- (9) The Governor or the Governor’s designee;
- (10) One (1) public school administrator appointed by the Governor;
- (11) One (1) public school teacher appointed by the Governor;
- (12) One (1) president or chancellor of a four-year university appointed by the Presidents Council;
- (13) One (1) president or chancellor of a two-year college or two-year branch of a four-year university appointed by the council;
- (14) One (1) member of the board of trustees of a four-year university or system of colleges and universities appointed by the council;

(15) One (1) member of the board of trustees of a two-year college or branch appointed by the council;

(16) One (1) member appointed by the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;

(17) One (1) member appointed by the Speaker of the House of Representatives from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators;

(18) One (1) member appointed jointly by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from a list of three (3) nominees submitted by the Executive Director of the Arkansas School Boards Association;

(19) One (1) representative of a predominantly black college or university in Arkansas appointed by the Speaker of the House of Representatives;

(20) One (1) member appointed by the Speaker of the House of Representatives who is from the private sector and has an interest in science, technology, engineering, or math; and

(21) One (1) member appointed by the President Pro Tempore of the Senate who is from the private sector and has an interest in science, technology, engineering, or math.

(c)(1) Each member of the commission shall be a resident of the State of Arkansas throughout his or her term on the commission.

(2) None of the members appointed from the board of trustees of a college or university shall be from an institution from which the president or chancellor of the institution is serving on the commission.

(d) The appointed members of the commission shall serve staggered terms of four (4) years.

(e) If a vacancy occurs in an appointed position, the vacancy shall be filled for the unexpired term by an appointment made in the same manner as the original appointment.

History. Acts 2003 (2nd Ex. Sess.), No. 109, § 1; 2005, No. 1936, § 1; 2007, No. 751, § 1; 2009, No. 1470, § 1.

Amendments. The 2009 amendment added (b)(20) and (b)(21) and made related changes.

SUBCHAPTER 4 — SCHOOL LEADERSHIP COORDINATING COUNCIL

SECTION.	SECTION.
6-1-401. Title.	6-1-404. Creation.
6-1-402. Findings.	6-1-405. Report.
6-1-403. Purpose.	

Effective Dates. Acts 2009, No. 222, § 4; February 25, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Ar-

kansas that it is the constitutional obligation of the state to ensure that the state’s public school children receive an equal opportunity for an adequate education;

that to ensure that opportunity, it is essential to have strong and effective school leaders; and that this act is immediately necessary to allow the Department of Education, the Department of Higher Education, the Department of Workforce Education, and the Arkansas Leadership Academy to address deficiencies in the Arkansas's educational leadership system. Therefore, an emergency is declared to exist and this act being immediately

necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-1-401. Title.

There is established the "School Leadership Coordinating Council".

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-402. Findings.

The General Assembly finds that:

(1) A statewide performance and results-based system of leadership development to ensure high levels of collaborative leadership and continuous improvement must have all educators work collaboratively with community stakeholders to apply effective, evidence-based strategies and practices that increase student and adult learning and close the achievement gap;

(2) High quality classroom teaching and administrative leadership are strong predictors of student success, and all educators in the state must possess the skills and knowledge to increase student and adult learning and close the achievement gap;

(3) High quality leadership capacity building and training is required to align the public education system from kindergarten through postsecondary and workforce readiness with an objective of universal proficiency for all students;

(4) High quality learning experiences focus on both individual and organizational improvement and provide educational leaders with a variety of support systems as they progress on the career continuum from aspiring to retiring; and

(5) An effective statewide leadership development system will result in increased graduation rates, reduced remediation rates, the closing of achievement gaps, increased student and adult performance, increased recruitment of effective leaders, and increased capacity for instructional leaders, and thus will increase the number of Arkansas citizens with bachelor's degrees.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-403. Purpose.

The purpose of the School Leadership Coordinating Council is to:

(1) Serve as a central body to coordinate the leadership development system efforts across the state including:

(A) Encouraging school districts to work with the Department of Education, the Department of Higher Education, the Department of Career Education, the Arkansas Leadership Academy, and other leadership groups;

(B) Recommending a state leadership development system to coordinate all aspects of leadership development based on educational leadership standards adopted by the Department of Education; and

(C) Devising a system of gathering data that includes input from practitioners, educational and community leaders, university leadership and faculty, and other interested parties;

(2) Assist the Department of Education, the Department of Higher Education, the Department of Career Education, the Arkansas Leadership Academy, school districts, and other leadership groups in enhancing school leadership and school support efforts; and

(3) Aid in the development of model evaluation tools for use in the evaluation of school administrators.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-404. Creation.

(a) The School Leadership Coordinating Council consists of thirteen (13) members as follows:

(1) The Chair of the Arkansas Association of Colleges for Teacher Education Council of Deans;

(2) The Commissioner of Education;

(3) The Director of the Arkansas Leadership Academy;

(4) The Director of the Department of Higher Education;

(5) The Director of the Department of Career Education;

(6) The Executive Director of the Arkansas Association of Educational Administrators;

(7) The Executive Director of the Arkansas Education Association;

(8) The Executive Director of the Arkansas School Boards Association;

(9) The Executive Director of the Arkansas Association for Supervision and Curriculum Development;

(10) The President of the Arkansas Rural Education Association;

(11) A representative from the Arkansas Professors of Educational Administration;

(12) A representative from the Arkansas Center for Executive Leadership; and

(13) A representative from an education service cooperative.

(b) Any member may appoint a designee to serve in his or her place if necessary.

(c)(1) The chair of the School Leadership Coordinating Council is elected by majority vote at the first meeting of the council.

(2) All changes in council chair are decided by majority vote of the council.

(d)(1) The council shall meet at the times and places that the chair deems necessary but no less than four (4) times per year.

(2) Seven (7) members of the council shall constitute a quorum for the purpose of transacting business.

(3) All actions of the council are by quorum.

(e) The Department of Education, with the assistance of the Department of Higher Education and the Department of Career Education, shall staff the council.

(f) All members of the council may receive expense reimbursement in accordance with § 25-16-902 paid by the Department of Education if funds are available.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

6-1-405. Report.

(a) The chair of the School Leadership Coordinating Council shall provide a report to the House Interim Committee on Education and the Senate Interim Committee on Education no later than September 1, 2010, and each year thereafter.

(b) The report shall identify:

(1) Deficient areas of school leadership;

(2) Innovative programs to address deficient areas of school leadership;

(3) Progress made to improve school leadership;

(4) Plans to improve the quality of school leadership throughout the state;

(5) Development and activities of school leadership cohorts; and

(6) Efforts made to address school leadership recommendations expressed in the 2008 Educational Adequacy report or subsequent reports submitted by the House Interim Committee on Education and the Senate Interim Committee on Education.

History. Acts 2009, No. 222, § 1.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Over-

sight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the journals of the House and Senate."

SUBCHAPTER 5 — THE ARKANSAS PROJECT GRADUATION COMMISSION

SECTION.

6-1-501. Findings.

6-1-502. Purpose.

6-1-503. Arkansas Project Graduation Commission.

SECTION.

6-1-504. Organization and operation.

6-1-505. Report.

6-1-501. Findings.

The General Assembly finds that:

(1) Graduation rates are an:

(A) Important economic indicator for the state's economy; and

(B) Essential indicator of school performance for parents, policy makers, and other concerned community members;

(2) Arkansans who fail to earn a high school diploma or postsecondary degree are:

(A) At a great disadvantage when it comes to obtaining:

(i) High-paying jobs; and

(ii) Health care; and

(B) More likely to:

(i) Become parents at a young age; and

(ii) Be involved in the criminal justice system; and

(3) Low graduation rates adversely affect the economic opportunities of the state and decrease the state's competitive edge.

History. Acts 2009, No. 1306, § 1.

6-1-502. Purpose.

The purpose of the Arkansas Project Graduation Commission is to:

(1) Investigate high school dropout prevention strategies;

(2) Analyze the relationship between high school graduation rates and the state's economy; and

(3) Recommend strategies that will increase the overall high school graduation rate of Arkansas students by helping parents, schools, and students identify academic warning signs of dropout.

History. Acts 2009, No. 1306, § 1.

6-1-503. Arkansas Project Graduation Commission.

- (a) There is created the “Arkansas Project Graduation Commission”.
- (b) The commission is composed of the following members:
 - (1) Three (3) members appointed by the Governor, one (1) of whom shall act as the chair of the commission;
 - (2) Three (3) members appointed by the Speaker of the House of Representatives;
 - (3) Three (3) members appointed by the President Pro Tempore of the Senate;
 - (4) The Commissioner of Education or his or her designee;
 - (5) The Director of the Department of Higher Education or his or her designee; and
 - (6) The Director of the Department of Career Education or his or her designee.
- (c) Each member of the commission shall be a resident of the State of Arkansas throughout his or her term.
- (d) The appointed members of the commission shall serve staggered terms of three (3) years to be decided by a random draw at the first meeting of the commission with:
 - (1) Four (4) members serving terms of three (3) years;
 - (2) Four (4) members serving terms of two (2) years; and
 - (3) Four (4) members serving a term of one (1) year.
- (e) If a vacancy occurs in an appointed position, the vacancy shall be filled for the unexpired term by an appointment made in the same manner as the original appointment.

History. Acts 2009, No. 1306, § 1.

6-1-504. Organization and operation.

- (a) The Arkansas Project Graduation Commission shall elect annually a chair, a vice chair, and a secretary.
- (b) The commission shall meet one (1) time each month, rotating meeting locations between the:
 - (1) Department of Education;
 - (2) Department of Higher Education; and
 - (3) Department of Career Education.
- (c) A majority of the commission members constitute a quorum for conducting business.
- (d) The Department of Education shall provide staff support for the commission.
- (e)(1) The members of the commission may receive an expense reimbursement for attendance at each monthly meeting in accordance with § 25-16-902.
- (2) The expense reimbursement shall be paid by the Department of Education from funds available for that purpose.

History. Acts 2009, No. 1306, § 1.

6-1-505. Report.

(a) The Arkansas Project Graduation Commission shall report by November 1, 2009, and each year thereafter, to the House Committee on Education and the Senate Committee on Education.

(b) The report shall contain without limitation:

(1) Information on:

(A) High school graduation rates in the state; and

(B) Postsecondary graduation rates in the state;

(2) Effective strategies for increasing the:

(A) High school graduation rate; and

(B) Postsecondary degree completion rate; and

(3) The impact high school graduation rates and postsecondary degree completion rates have on the state's economy.

History. Acts 2009, No. 1306, § 1.

CHAPTER 5**MISCELLANEOUS PROVISIONS RELATING TO
ELEMENTARY, SECONDARY, AND HIGHER
EDUCATION****SUBCHAPTER**

2. HAZING.

4. HIGHER EDUCATION AWARENESS PROGRAM.

8. HEALTH CARE STUDENT SUMMER ENRICHMENT PROGRAM FOR UNDERREPRESENTED STUDENT POPULATIONS ACT.

9. THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM.

10. COLLEGE AND CAREER READINESS STANDARDS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

SUBCHAPTER 2 — HAZING**SECTION.**

6-5-201. Definition.

6-5-202. Prohibitions.

6-5-201. Definition.

(a) As used in this subchapter, "hazing" means:

(1) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student and done for the purpose of intimidating the student attacked by threatening him or her with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his or her fellow students, and acts calculated to produce such results;

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in

Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him or her;

(3) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him or her from remaining in that school, college, university, or other educational institution, or reasonably to cause him or her to leave the institution rather than submit to such acts; or

(4) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section:

(1) Does not include customary athletic events or similar contests or competitions; and

(2) Is limited to those actions taken and situations created in connection with initiation into or affiliation with an organization, extracurricular activity, or sports program.

History. Acts 1983, No. 75, § 2; A.S.A. 1947, § 80-5502; Acts 2011, No. 1160, § 1. added the (b)(1) and (b)(2) designations; and added "extracurricular activity, or sports program" in (b)(2).

Amendments. The 2011 amendment

6-5-202. Prohibitions.

(a) A student of any school, college, university, or other educational institution in Arkansas shall not engage in hazing or encourage, aid, or assist any other student in hazing.

(b)(1) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or fail to report promptly his or her knowledge or any reasonable information within his or her knowledge of the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) Any act of omission or commission shall be deemed hazing under the provisions of this subsection (b).

History. Acts 1983, No. 75, §§ 1, 3; A.S.A. 1947, §§ 80-5501, 80-5503; Acts 2009, No. 376, § 1. **Amendments.** The 2009 amendment rewrote (a), making only stylistic changes.

SUBCHAPTER 4 — HIGHER EDUCATION AWARENESS PROGRAM

SECTION.

6-5-404. Cooperation with program.

6-5-405. Professional development for
higher education aware-
ness.

Effective Dates. Acts 2009, Nos. 605 and 606, § 27: Mar. 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the people of the State of Arkansas overwhelmingly approved the establishment of lotteries at the 2008 General Election; that lotteries will provide funding for scholarships to the citizens of this state; that the failure to immediately implement this act will cause a reduction in lottery proceeds that will harm the educational and economic success of potential students eligible to receive scholarships under the act; and that the state lotteries should be imple-

mented as soon as possible to effectuate the will of the citizens of this state and implement lottery-funded scholarships as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-5-404. Cooperation with program.

(a) The State Board of Education, the Department of Education, and the public schools of Arkansas shall:

(1) Cooperate with the Arkansas Higher Education Coordinating Board, the Department of Higher Education, and the institutions of higher education in providing the information; and

(2) Assist as requested by the Arkansas Higher Education Coordinating Board.

(b) Individual schools shall make special efforts to ensure that as many students and parents or guardians as possible are made aware of the opportunity to receive information, are urged to attend the counseling sessions, and are in receipt of the information packages.

(c) Businesses and industries in Arkansas are hereby requested to provide the opportunity to their employees with children in the eighth grade in public schools in Arkansas to attend the counseling sessions and to cooperate with institutions of higher education in presenting at the work site small group and one-on-one counseling on courses that are required for postsecondary education and postsecondary options and financial requirements and assistance available for postsecondary education.

History. Acts 1993, No. 1256, § 3; 2009, No. 376, § 2.

Amendments. The 2009 amendment, in (a), redesignated the subsection, substi-

tuted "Arkansas Higher Education Coordinating Board" for "department" in (a)(2), and made related changes.

6-5-405. Professional development for higher education awareness.

(a) As used in this section, "state-supported student financial assistance" means:

(1) A state-supported scholarship or grant awarded by the Department of Higher Education; and

(2) A scholarship, grant, or tuition waiver awarded by an institution of higher education in this state funded in whole or in part with state funds.

(b) Beginning with the 2009 calendar year, professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance shall be required for:

(1) All public school superintendents and assistant superintendents; and

(2) The following licensed personnel at a public school where students are enrolled in grade seven through grade twelve (7-12):

(A) Principals;

(B) Assistant principals; and

(C) Guidance counselors.

(c)(1) The first course shall be a three-hour course to be taken within calendar year 2009, or within the first year of employment.

(2) After the first three-hour course is completed, a one-hour course is required to be completed annually.

(d) The professional development hours required under this section shall be counted toward the sixty (60) hours of the professional development required for licensed school personnel under the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2009, No. 605, § 5; 2009, No. 606, § 5.

A.C.R.C. Notes. Acts 2009, Nos. 605 and 606, § 6, provided: "The General Assembly requests that:

"(1) The Arkansas Association of Educational Administrators and the Arkansas Education Association, in cooperation with the Department of Higher Education, each provide three (3) hours of professional development on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance for higher education at the respective association's annual convention, beginning with the 2009 annual convention;

"(2) The Arkansas School Boards Association provide continuing education on the availability of, eligibility requirements for, and the process of applying for state-supported student financial assistance for higher education at its meetings; and

"(3) The Arkansas Education Television Network, in coordination with the Department of Higher Education, prepare a program of three (3) hours of professional development to be available during 2009 covering the availability, eligibility requirements for, and the process of applying for state-supported student financial assistance for higher education."

SUBCHAPTER 8 — HEALTH CARE STUDENT SUMMER ENRICHMENT PROGRAM FOR UNDERREPRESENTED STUDENT POPULATIONS ACT

SECTION.

6-5-801. Title.

6-5-802. Intent — Findings.

6-5-803. Arkansas Academic Physician Program.

SECTION.

6-5-804. Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

6-5-801. Title.

This subchapter shall be known and may be cited as the “Health Care Student Summer Enrichment Program for Underrepresented Student Populations Act”.

History. Acts 2009, No. 709, § 1.

6-5-802. Intent — Findings.

(a) This subchapter is intended to ensure academic success and completion of medical, pharmacy, and nursing school by an increasing number of minority students.

(b) The General Assembly finds that:

(1) The healthcare workforce and its ability to deliver quality care for all, including racial and ethnic minorities, can be improved substantially by increasing the proportion of underrepresented United States racial and ethnic minorities among health professionals;

(2)(A) Nationally, African-Americans, Native Americans, Mexican Americans, and Mainland Puerto Ricans make up twenty-five percent (25%) of the United States population.

(B) However, racial and ethnic minority students make up less than eight percent (8%) of practicing physicians and less than five percent (5%) of medical, pharmacy, and nursing school faculties;

(3) Summer enrichment programs have proven to aid in the recruitment and retention of students and faculty in all colleges on the campus of the University of Arkansas for Medical Sciences;

(4) Statistics concerning practicing physicians are as follows:

(A) Practicing physicians in Arkansas, seven thousand eight hundred eighty-nine (7,889);

(B) Practicing African-American physicians in Arkansas, one hundred fifty (150) or one and nine-tenths percent (1.9%) of Arkansas practicing physicians;

(C) An Arkansas majority physician to patient ratio of one (1) majority physician to five hundred seventy (570) persons;

(D) An Arkansas minority physician-to-patient ratio of one (1) physician to three thousand one hundred twenty-five (3,125) persons;

(E) A national physician to patient ratio of one (1) physician to five hundred twenty (520) persons; and

(F) Most minority physicians practice in underserved areas; and

(5) It is necessary for the public health and welfare of Arkansas to create the Health Care Student Summer Enrichment Program for Underrepresented Student Populations Act.

History. Acts 2009, No. 709, § 1.

6-5-803. Arkansas Academic Physician Program.

(a) There is created within the Department of Higher Education the Arkansas Academic Physician Program.

(b) To ensure academic success and completion of medical, pharmacy, or nursing school, the Arkansas Academic Physician Program shall provide academic support for students preparing to matriculate at the University of Arkansas for Medical Sciences.

(c) The program shall offer tutoring, group study, test-taking strategies, and supplemental instruction to promote collegiality and enhance the student's ability to master the basic sciences and increase the applicant pool.

(d) The program aims to offer premedical, prepharmacy, and prenursing students in Arkansas from diverse backgrounds the opportunity to engage in a variety of clinical hands-on experiences.

History. Acts 2009, No. 709, § 1.

6-5-804. Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

(a) There is created within the Department of Higher Education the Health Care Student Summer Enrichment Program for Underrepresented Student Populations.

(b) The program is an intensive six-week program targeting undergraduate students designed to:

(1) Increase awareness among racial and ethnic minority undergraduate students of:

(A) Common medical problems in underserved communities; and

(B) Career opportunities in fields of medicine;

(2) Provide participants with a meaningful experience in health related fields; and

(3) Stimulate the interest of racial and ethnic minority undergraduate students in careers in science, medicine, and biomedical research.

(c) The program shall be designed to encourage participation by students of diverse backgrounds.

History. Acts 2009, No. 709, § 1.

SUBCHAPTER 9 — THE POSITIVE YOUTH DEVELOPMENT GRANT PROGRAM

SECTION.

6-5-901. Legislative Intent — Findings.

6-5-902. Definitions.

6-5-903. Establishment — Participation.

SECTION.

6-5-904. Applications process — Allocation of funding.

6-5-905. Criteria for need-based funding.

SECTION.

6-5-906. Evaluation.

6-5-901. Legislative Intent — Findings.

(a) It is the intent of the General Assembly to expand the availability of positive youth development programs that incorporate the standards and recommendations of the Governor's Task Force on Best Practices for After-School and Summer Programs including without limitation:

(1) School-based and school-linked afterschool and summer programs;

(2) 21st Century Community Learning Centers;

(3) Boys and Girls Clubs;

(4) YMCAs;

(5) 4-H Clubs; and

(6) School-Age Care programs.

(b) The General Assembly finds that:

(1) Positive youth development programs:

(A) Support working families by ensuring their children and youth are safe and productive during out-of-school time;

(B) Build strong communities by involving students, parents, business leaders, and adult volunteers in the lives of young people in positive and productive activities, including tutoring, games, and activities designed to improve math and literacy skills;

(C) May include community-based service and other experiences that offer rich and varied academic support and build workforce skills critical to employment and future economic success; and

(D) Provide safe, challenging, engaging, and supervised learning experiences that help children and youth develop their educational, social, emotional, and physical skills where the assets and strengths of youth are emphasized rather than problems or deficits; and

(2) Students participating in positive youth development programs:

(A) Have higher daily school attendance;

(B) Report higher aspirations toward finishing school and going to college;

(C) Have fewer discipline problems;

(D) Show significant gains in standardized test scores;

(E) Are more likely to have a positive view of themselves and their hope for the future;

(F) Cultivate positive bonds with people and institutions that are reflected in their exchange with peers, family, school, and community; and

(G) Are far less likely to use drugs and alcohol, have contact with police and the juvenile court system, or engage in sexual activity and other harmful or risky behaviors.

History. Acts 2011, No. 166, § 1.

6-5-902. Definitions.

As used in this subchapter:

- (1) "Grant" means a Positive Youth Development Grant;
- (2) "Positive youth development program" means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen (19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and
- (3) "Program" means a positive youth development program that is license-exempt or approved by the Department of Education as complying with the Out-of-School Time Licensing Standards as adopted by the Division of Child Care and Early Childhood Education.

History. Acts 2011, No. 166, § 1.

6-5-903. Establishment — Participation.

(a)(1) The Department of Education shall establish the Positive Youth Development Grant Program to assist in the establishment and funding of positive youth development programs for children and youth five (5) through nineteen (19) years of age once funding is available.

(2) The department, with the advice and assistance of the Division of Child Care and Early Childhood Education, shall develop rules necessary for the implementation of this subchapter.

(b) Participation in a positive youth development program shall be voluntary for:

- (1) Public school districts; and
- (2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

History. Acts 2011, No. 166, § 1.

6-5-904. Applications process — Allocation of funding.

(a)(1) A public school district, licensed youth development program, license-exempt youth development program, or an applicant that partners with a public school district, licensed youth development program, or license-exempt youth development program may apply for a positive youth development grant.

(2) A program is not required to be affiliated with a school district to be eligible to receive funding under this section.

(b) Each applicant for a positive youth development grant shall:

(1) Complete and submit the appropriate application developed by the Department of Education in collaboration with the Division of Child Care and Early Childhood Education;

(2) Submit documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, faith-based, and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment; and

(3)(A) Provide matching funds in the ratio of twenty-eighty (20:80), unless the applicant is granted a waiver by the division.

(B) The division may waive the required matching funds if:

(i) The applicant operates or will operate the program within the geographic boundaries of a public school district that contains at least one (1) school in school improvement, as designated by the Department of Education; and

(ii) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(C) The matching funds may consist of cash or appropriate in-kind services.

(c) Preference shall be given to applications that:

(1) Are developed collaboratively by public and nonpublic schools and private community based programs;

(2) Contain accountability systems and measurable outcomes under guidelines developed by the department in consultation with the division;

(3) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(4) Increase comprehensive positive youth development programs during the school year and summer.

(d)(1) If the number of qualified applicants exceed the amount of available funding the department, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(2) If there is a funding shortage, priority consideration shall be given to programs in communities where:

(A) A public school district has fifty percent (50%) or more students eligible for free and reduced lunches; and

(B) A public school district has been designated by the department as being in school improvement.

(e)(1) Grants shall be a three-year award to be distributed annually, as determined by the division.

(2) Grants may be renewable for positive youth development programs that meet adequate performance levels as developed by the department.

(3) Grants are subject to the availability of funds each fiscal year.

(f) Grant funds may be used for:

(1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;

(2) Services that include children and youth where English is a second language;

(3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and

(4) A variety of activities including without limitation:

(A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the department;

(B) Activities that improve the health and wellness of children and youth, including physical activities, nutrition and health education, and safety;

(C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;

(D) Activities that address cultural diversity and inclusion;

(E) Service learning or community service experiences;

(F) Workforce development activities that link academic curriculum to actual work experiences;

(G) Leadership development, mentoring, and other services to disconnected youth;

(H) Enrichment activities not otherwise provided during the school day; and

(I) Family and community engagement.

History. Acts 2011, No. 166, § 1.

6-5-905. Criteria for need-based funding.

(a) Children and youth five (5) through nineteen (19) years of age who are members of a family with a gross family income not exceeding two hundred percent (200%) of the federal poverty guidelines are eligible to attend a positive youth development program without cost if there is:

(1) A positive youth development program available in the community where the child resides; and

(2) Available space for the child to attend the program.

(b) The Department of Education and the Division of Child Care and Early Childhood Education may develop a fee schedule and establish eligibility based on family income for children and youth five (5) through nineteen (19) years of age who are not eligible under subsection (a) of this section.

(c) The department and the division shall review criteria for identifying and targeting the areas of the state with the greatest need for programs.

(d) The State Board of Education, with the advice and assistance of the division, shall adopt the appropriate criteria for identifying children and youth five (5) through nineteen (19) years of age with the greatest need to participate in programs funded by the grant.

History. Acts 2011, No. 166, § 1.

6-5-906. Evaluation.

(a) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the impacts of the Positive Youth Development Grant Program.

(b)(1) The division shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

(2) The division may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(c)(1) Program evaluation and outcome measures shall be incorporated into the application and award procedure rules adopted by the division.

(2) Outcome measures shall include without limitation:

- (A) Student achievement and academic skills;
- (B) School engagement;
- (C) Social, emotional, and behavioral development;
- (D) Health and wellness; and
- (E) Reduced contact with the judicial system.

(d) A minimum of one (1) time each year the division shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the House Committee on Education, and the Senate Committee on Education.

History. Acts 2011, No. 166, § 1.

SUBCHAPTER 10 — COLLEGE AND CAREER READINESS STANDARDS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

SECTION.

6-5-1001. Findings.

6-5-1002. Career and technical education
program of study.

SECTION.

6-5-1003. College and career readiness
program standards.

6-5-1004. Technical skills assessments.

6-5-1001. Findings.

The General Assembly finds that:

(1) Many Arkansas high school students are unprepared for the academic rigor of college or to enter the career world of work upon graduation from high school;

(2) A student who is academically prepared for college or to enter the career world upon graduation from high school is more likely to have greater economic success in his or her lifetime;

(3) Rigorous college and career readiness program standards that define what a student is expected to know and be able to do to achieve success in college or a career are consistent with the goals of Arkansas educational agencies and are critical to Arkansas's economy; and

(4)(A) Innovative and creative instructional approaches that enable teachers to integrate academic, career, and technical instruction are necessary to ensure effectiveness.

(B) A career and technical education program of study shall provide sustained, intensive, and focused professional development opportunities that ensure that teachers have the necessary content knowledge to align and integrate curriculum and instruction.

History. Acts 2011, No. 743, § 1.

6-5-1002. Career and technical education program of study.

(a) As used in this subchapter, “career and technical education program of study” means a planned program of courses and learning experiences that:

- (1) Begins with the exploration of career options;
- (2) Supports basic academic and life skills; and
- (3) Enables achievement of:
 - (A) High academic standards;
 - (B) Leadership; and
 - (C) High skill, high wage employment preparation, and advanced continuing education.

(b)(1) All public school students shall be provided a rigorous career and technical education program of study that links secondary education and postsecondary education and combines academic and technical education in a structured sequence of courses that progresses from broad foundation skills to occupationally specific courses.

(2) A student may earn postsecondary credits for career and technical education program of study courses that lead to a postsecondary credential, certificate, or degree.

History. Acts 2011, No. 743, § 1.

6-5-1003. College and career readiness program standards.

(a)(1) The Department of Career Education shall work in collaboration with the Department of Education and the Department of Higher Education to develop college and career readiness program standards for career and technical education program of study courses.

(2) College and career readiness program standards shall address the importance of rigorous academic standards and the role rigorous academic standards have in higher education.

(b) The college and career readiness program standards for career and technical education program of study courses shall incorporate consistent framework to promote sustainability of career and technical education programs of study, including:

(1) Legislation, local resources, and administrative policies that promote career and technical education program of study development and implementation within a school district;

(2) Partnerships with educators, businesses, and other community stakeholders that support career and technical education program of study design, implementation, and maintenance;

(3) Sustained, intensive, and focused professional development opportunities for administrators, teachers, and faculty that foster career and technical education program of study design, implementation, and maintenance;

(4) Accountability and evaluation systems and strategies that gather quantitative and qualitative data on both career and technical educa-

tion program of study components and student outcomes to determine the effectiveness of each program;

(5) Clear content standards that:

(A) Define what a student is expected to know and what the student should be able to do to achieve success in college or in a career; and

(B) Align and integrate curriculum and instruction;

(6)(A) Sequences of secondary and postsecondary career and technical education program of study courses that help students transition to postsecondary education without requiring duplicate classes or remedial education.

(B) The Department of Career Education shall work with the Department of Education and the Department of Higher Education to establish a common course numbering system that incorporates career and technical education program of study courses at both the secondary and postsecondary level;

(7) Formal credit transfer agreements between secondary schools and postsecondary institutions of higher education;

(8) Comprehensive guidance counseling and academic advisory systems that:

(A) Enable students to make informed decisions about which program of study to pursue;

(B) Are based on state or local guidance and counseling standards, for example, the National Career Development Guidelines;

(C) Ensure that guidance counselors and academic advisors have current information about career and technical education programs of study;

(D) Offer information and tools to help students learn about postsecondary education and career options, including prerequisites that may be required;

(E) Provide resources for students to identify career interests and aptitudes and to select an appropriate career and technical education program of study based on the results;

(F) Provide information for parents, including workshops on college financial aid and applications, preparing students for college and college applications, and preparing students for careers; and

(G) Provide web-based resources and tools for obtaining student financial assistance;

(9) Innovative and creative instructional approaches that enable teachers to integrate academic, career, and technical instruction; and

(10) Valid and reliable technical skills assessments that provide ongoing information on whether or not a student is attaining the necessary knowledge and skills needed for entry into postsecondary education or a career in his or her selected career and technical education program of study.

6-5-1004. Technical skills assessments.

- (a) The Department of Career Education shall provide valid and reliable technical skills assessments that provide information on whether or not a student is attaining the necessary knowledge and skills needed for entry into postsecondary education or a career in his or her selected career and technical education program of study.
- (b) The technical skills assessment shall:
- (1) Be a third-party assessment recognized by industry or an assessment developed or approved by the department that is based on industry standards;
- (2) Measure student attainment of technical skill proficiencies at multiple points during a student’s career and technical education program of study;
- (3)(A) Incorporate performance-based assessment items where a student demonstrates the application of his or her knowledge and skills, to the extent possible.
- (B) A student who successfully completes a performance-based assessment may receive a secondary credit, postsecondary credit, or special designation on his or her high school diploma; and
- (4)(A) Be used as a tool to evaluate the quality of career and technical education programs of study in secondary schools.
- (B) The department may provide technical assistance on career and technical education programs of study to secondary schools.

History. Acts 2011, No. 743, § 1.

***SUBTITLE 2. ELEMENTARY AND SECONDARY
EDUCATION GENERALLY***

CHAPTER 10

GENERAL PROVISIONS

SECTION.	SECTION.
6-10-106. Uniform dates for beginning and end of school year.	nal defibrillator and cardiopulmonary resuscitation programs.
6-10-122. Automated external defibrillators required.	6-10-124. Updating of school policies.
6-10-123. School-based automated exter-	

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are

needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of

the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time

during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-10-106. Uniform dates for beginning and end of school year.

(a)(1)(A) In each school year, the first day of the school year for student attendance in the public elementary and secondary schools of the State of Arkansas shall begin:

- (i) On or after the Monday of the week in which August 19 falls;
- (ii) Not earlier than August 14; and
- (iii) Not later than August 26.

(B) The date for beginning the school year shall be determined by the board of directors of the school district.

(C) Labor Day shall be celebrated as a school holiday in all the school districts of the state, and school shall not be held on that date.

(2) The Department of Education may grant a school district a waiver to begin school on an earlier or later date if the department determines that there exists a material and substantial reason for the school district to begin on an earlier or later date due to very exceptional or emergency circumstances such as a contagious disease outbreak, inclement weather, or other acts of God.

(b) Contracts of employment for certified and noncertified employees of school districts may require school district employees to begin performance under their contract of employment prior to the first day of student attendance.

(c) If the school year in any school district extends beyond the date observed as Memorial Day, such date shall be a holiday in the school district. Provided, upon approval of the department, this date may be used as a make-up day in any school district which has unavoidably lost more than five (5) scheduled days of student attendance during the course of the school year due to contagious disease outbreaks, inclement weather, or other acts of God.

(d)(1) For school years 2011-2012 and 2012-2013, each public school district that provides a week-long holiday for spring break shall schedule the spring break holiday for five (5) consecutive school days beginning on the Monday of the thirty-eighth week of the school year.

(2) The thirty-eighth week of the school year shall be calculated by counting as week one the first week in July that begins on a Sunday.

(3) Nothing in this subsection (d) shall prevent a public school district from providing fewer than five (5) consecutive school days for the spring break holiday to comply with the department's requirement for a minimum number of days for student attendance under the Standards for Accreditation of Arkansas Public Schools and School Districts.

(4)(A) There is created an advisory committee to review the impact of this subsection (d) during the 2011-2012 and 2012-2013 school years on the coordination of academic, extracurricular, and athletic school activities and on state tourism.

(B) The advisory committee shall be composed of eight (8) members, as follows:

- (i) The Commissioner of Education or his or her designee;
- (ii) The Director of the Department of Higher Education or his or her designee;
- (iii) The Director of the Department of Parks and Tourism or his or her designee;
- (iv) The Executive Director of the Arkansas Hospitality Association or his or her designee;
- (v) The Executive Director of the Arkansas Activities Association or his or her designee;
- (vi) The Executive Director of the Arkansas Association of Educational Administrators or his or her designee;
- (vii) The Executive Director of the Arkansas Education Association or his or her designee; and
- (viii) The Executive Director of the Arkansas School Boards Association or his or her designee.

(C) The commissioner or his or her designee shall serve as chair of the advisory committee.

(D) The advisory committee shall meet upon the call of the chair but at least annually at a location designated by the chair.

(E) By August 1, 2012, and August 1, 2013, the advisory committee shall report to the Senate Committee on Education and the House Committee on Education any findings and recommendations of the advisory committee for the impact of this section on the coordination of academic, extracurricular, and athletic school activities and on state tourism.

(F) The advisory committee's work shall end upon the filing of the August 1, 2013, report unless the Senate Committee on Education or the House Committee on Education requests further study by the advisory committee.

(e) The department shall not grant a waiver from the requirements of this section unless this section specifically authorizes the waiver.

(f) A school district shall adopt an academic calendar that includes five (5) make-up days, in addition to the number of student-teacher interaction days required by the Standards for Accreditation of Arkansas Public Schools and School Districts established by the State Board of Education, for days unavoidably lost due to exceptional or emergency circumstances resulting from a contagious disease outbreak, inclement weather, or other acts of God.

History. Acts 1983 (Ex. Sess.), No. 6, §§ 1, 2; A.S.A. 1947, §§ 80-1506.1, 80-1506.2; Acts 1989, No. 461, § 1; 1993, No. 103, § 1; 2009, No. 424, § 1; 2009, No. 1469, § 1; 2011, No. 46, § 1; 2011, No. 65, § 1.

Amendments. The 2009 amendment by No. 424 inserted (d) and redesignated

the subsequent subsection as (e); and rewrote (e).

The 2009 amendment by No. 1469 added (f).

The 2011 amendment by No. 46 substituted "2011-2012 and 2012-2013" for "2009-2010 and 2010-2011" in (d)(1) and

(d)(4)(A); substituted "August 1, 2012, and August 1, 2013" for "August 1, 2010, and by August 1, 2011" in (d)(4)(E); and substituted "August 1, 2013" for "August 1, 2011" in (d)(4)(F).

The 2011 amendment by No. 65 subdivided and rewrote (a)(1).

6-10-108. Twelve-month school year.

A.C.R.C. Notes. Acts 2011, No. 593, § 1, provided: "(a) Before the state decides whether or not to formally adopt an extended school year policy, it is imperative that the advantages and disadvantages of an extended school year be studied.

"(b) The interim Senate Committee on Education and the interim House Committee on Education shall jointly study issues relevant to the adoption of an extended school year and report the committees' findings to the President Pro Tempore of the Senate and the Speaker of the House of Representatives not later than October 1, 2012.

"(c) The study of an extended school year shall consider, without limitation, the:

"(1) Impact on teachers and other school personnel;

"(2) Cost to the state and school districts;

"(3) Facility needs;

"(4) Impact on the tourism and hospitality industry;

"(5) Curriculum and instruction;

"(6) Testing cycles;

"(7) Expansion of the current curriculum requirements and the time required to meet those requirements;

"(8) Current programs utilized in public schools that do not directly contribute to student learning outcomes;

"(9) Efficiencies that could be applied to financially support extended learning time;

"(10) Impact of allowing flexibility in rearranging school days on student learning;

"(11) Increased accountability placed on public schools;

"(12) Impact of the Common Core Standards; and

"(13) Comparison of instructional time with other industrialized nations."

6-10-122. Automated external defibrillators required.

(a)(1) The State Board of Education shall promulgate rules to require that:

(A) Each school campus have an automated external defibrillator; and

(B)(i) Appropriate school personnel be adequately trained on or before May 31, 2011; and

(ii) After May 31, 2011, appropriate school personnel be adequately trained on an ongoing basis.

(2) To enhance the potential life-saving capability of each automated external defibrillator, the rules shall include without limitation provisions regarding the availability of the school's automated external defibrillator at school-related activities, such as athletic events.

(b) To minimize the financial impact on school districts, each school district may apply for a grant from the Department of Health to purchase an automated external defibrillator or related equipment or to provide training to its personnel, or any combination of purchase of an automated external defibrillator or related equipment or provision of training to personnel.

(c) Beginning in 2011, the Commissioner of Education shall provide a report to the Senate Committee on Public Health, Welfare, and Labor and the House Committee on Public Health, Welfare, and Labor on or before July 1 each year regarding the implementation of this section and the status of automated external defibrillator availability on each school campus.

History. Acts 2007, No. 1598, § 1; 2009, No. 496, § 2.

A.C.R.C. Notes. Acts 2009, No. 496, § 1, provided: "This act shall be known and may be cited as the 'Antony Hobbs III Act'."

Amendments. The 2009 amendment inserted (a)(1)(B)(i) and (a)(2), redesignated the remaining text accordingly, and deleted "if funds are available" following "defibrillator" in (a)(1)(A); added (b) and (c); and made related changes.

6-10-123. School-based automated external defibrillator and cardiopulmonary resuscitation programs.

(a) The State Board of Education, after consultation with the Department of Health, shall develop rules based on guidelines for automated external defibrillator and cardiopulmonary resuscitation training that incorporates at least the following:

(1) Health care provider oversight, including planning and review of the selection, placement, and maintenance of automated external defibrillators;

(2) Appropriate training of anticipated rescuers in the use of the automated external defibrillator and in cardiopulmonary resuscitation;

(3) Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the automated external defibrillator, as they existed on January 1, 2009, and for providing cardiopulmonary resuscitation as published by the American Heart Association, American Red Cross, or in equivalent course materials, as they existed on January 1, 2009;

(4) Coordination with the emergency medical services system; and

(5) An ongoing quality improvement program to monitor training and evaluate response with each use of the automated external defibrillator.

(b) Automated external defibrillator and cardiopulmonary resuscitation training shall count fully toward the existing professional development requirements for teachers and school personnel.

History. Acts 2009, No. 496, § 3.

and may be cited as the 'Antony Hobbs III Act'."

A.C.R.C. Notes. Acts 2009, No. 496, § 1, provided: "This act shall be known

6-10-124. Updating of school policies.

(a) After each regular, fiscal, or special session of the General Assembly, the board of directors of each public school district in the state and the superintendent of the school district shall review the acts of the General Assembly for that session to determine whether a law

regarding child abuse and relating to public schools has been amended or has been added to the Arkansas Code.

(b) If a board of directors of a public school district determines that the General Assembly has amended or added to the Arkansas Code a law regarding child abuse and relating to public schools, the board of directors shall update the school's policies to accord with the new law within sixty (60) days after sine die adjournment of the General Assembly.

History. Acts 2011, No. 985, § 1.

CHAPTER 11

EDUCATION

SUBCHAPTER.

1. STATE BOARD OF EDUCATION.
2. STATE BOARD OF CAREER EDUCATION.

SUBCHAPTER 1 — STATE BOARD OF EDUCATION

SECTION.

- 6-11-101. Members.
- 6-11-105. Powers and duties.
- 6-11-111. Records of proceedings — Annual report.
- 6-11-114. [Repealed.]
- 6-11-116. Standards for priority of projects.

SECTION.

- 6-11-124. Statewide computer network.
- 6-11-128. Arkansas Public School Computer Network.
- 6-11-129. Data to be accessible on website.

Effective Dates. Acts 2009, No. 1463, § 2: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the obligation of the state to provide a substantially equal opportunity for an adequate education to the public students of this state; that public school district accountability to the Department of Education and to the General Assembly is a key element to the state's ability to

meet that obligation; and that this act is immediately necessary to ensure that any changes to the data collection systems used by the Department of Education and public school districts are provided to public school districts at the beginning of the 2009-2010 school year. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

6-11-101. Members.

(a) The State Board of Education shall be composed of nine (9) members:

- (1) Two (2) members to be selected from each of the congressional districts of the state as they exist on the July 31, 2007; and
- (2) One (1) member to be appointed at large from within the state.

(b)(1) The term of office of a member of the state board shall be for a single term of seven (7) years.

(2)(A) Any member appointed to the state board to fill a vacancy for an uncompleted term with less than three (3) years remaining on the original term may be reappointed to an additional term of seven (7) years.

(B) No member serving three (3) or more years on the state board may be reappointed.

(3) No current or new member shall be allowed to resign in order to be appointed to a new term on the state board.

(4) Nothing in this section shall be construed to change the terms of any member of the state board who was appointed prior to June 3, 2004.

(c) The membership of the state board shall reflect the diversity in general education.

(d)(1) No person may serve as a member of the state board unless he or she is a qualified elector and is a person of high moral standards and recognized ability.

(2) Neither the Commissioner of Education nor any candidate for public office, holder of a public office in the state, schoolteacher, county or city superintendent, employee of a state-supported college or university, or member of any board of trustees of any state institution of higher learning shall serve as a member of the state board.

(e) The members of the state board shall be appointed by the Governor, subject to the confirmation of the Senate and shall take the oath of office for officers prescribed by the Arkansas Constitution.

(f)(1) Whenever a vacancy occurs in the membership of the state board, the Governor shall appoint a successor who shall serve the remainder of the unexpired term of the member that he or she succeeded, subject to all other provisions of this section.

(2) Resignation, removal from the district from which he or she is appointed, disqualification, incapacitation from mental or physical disability or otherwise, or change in status from the eligibility requirements for membership on the state board shall automatically create a vacancy in the membership of the state board, and no such member shall thereafter exercise any of the functions of membership on the state board even though his or her successor has not been appointed.

(g)(1) Members of the state board shall be subject to removal from office by the Governor when the actions or condition of a member shall be considered as sufficient cause for removal.

(2) However, before a member may be removed for cause, this cause must have been accepted as true, good, and sufficient by a majority written vote of all members of the state board after a formal hearing at a regular or special session of the state board.

(h) The members of the state board shall serve without remuneration but may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq., as follows:

(1) Actual expenses while attending regular and special meetings of the state board; and

(2) A per diem allowance when in attendance at regular or special meetings of the state board.

History. Acts 1931, No. 169, §§ 3-5; 1937, No. 244, § 1; Pope's Dig., §§ 11442 — 11445; Acts 1941, No. 127, §§ 1-4; 1959, No. 160, § 1; 1971, No. 38, § 10; 1973, No. 62, § 1; A.S.A. 1947, §§ 5-910, 80-102 — 80-105, 80-108; Acts 1993, No. 294, § 4;

1995, No. 297, § 1; 1997, No. 250, § 14; 1999, No. 885, § 1; 2003 (2nd Ex. Sess.), No. 90, § 4; 2007, No. 344, § 1; 2009, No. 376, § 3.

Amendments. The 2009 amendment inserted "Arkansas" in (e).

6-11-102. Commissioner of Education.

A.C.R.C. Notes. Acts 2009, No. 1420, § 26, provided: "SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2010, No. 126, § 26, provided: "SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Edu-

cation. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law."

Acts 2011, No. 1074, § 25, provided: "SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not lim-

ited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commis-

sioner from accepting or receiving expense reimbursements and employee benefits as provided by State law.”

6-11-105. Powers and duties.

- (a) The State Board of Education shall:
 - (1) Have general supervision of the public schools of the state;
 - (2) Recommend courses of study for the public schools and teacher training institutions;
 - (3) Prescribe rules for the examination of pupils to detect contagious and infectious diseases and physical defects;
 - (4) Issue certificates based upon credentials presented by applicants for certificates to teach in the public schools of the state;
 - (5) Qualify and standardize public schools and prescribe requirements for accrediting and grading public schools;
 - (6) Supervise the operation of school district budgets;
 - (7) Supervise the purchase and distribution of textbooks;
 - (8) Take such other action as it may deem necessary to promote:
 - (A) The physical welfare of school children;
 - (B) The organization and efficiency of the public schools of the state; and
 - (C) Public education and awareness about racial profiling;
- (9)(A) Perform all other functions that may now or hereafter be delegated to the state board by law.
- (B) However, nothing in this act shall prohibit the state board and the Department of Education from issuing teachers' certificates upon the results of teachers' examinations as now provided by law;
- (10) Eliminate unnecessary reports and paperwork by yearly identifying and compiling a list of all reports that are required from local school districts by the department or the state board for the school year;
- (11) Adopt policies to ensure, except as allowed under subsection (b) of this section, that local school districts are not required by the state board or the department to:
 - (A) Provide information that is already available on a department student information management system or housed within the department;
 - (B) Provide the same written information more than one (1) time during a school year unless the information has changed during the school year; or
 - (C) Complete forms for children with disabilities that are not necessary to ensure compliance with federal statutes and regulations, including, but not limited to, the Individuals with Disabilities Education Act, state mandates, and corresponding appropriations governing the provision of special education services to students with disabilities; and
- (12)(A) If the state board orders the takeover of a school district under authority granted under this title and also orders the removal of the school district board of directors, the state board may assume

all authority of the school district board of directors as may be necessary for the day-to-day governance of the school district.

(B) The state board may designate the authority granted under this subdivision (a)(12) to the Commissioner of Education.

(b) The state board may require information available on a department student information management system or require the same information twice if the state board can demonstrate a compelling need and can demonstrate there is not a more expeditious manner of getting the information.

(c) The state board may organize and, from time to time, change and alter the department into branches or sections as may be found necessary and desirable by the commissioner to perform all proper functions and to render maximum service relating to the operation and improvement of the general education programs of the state.

(d) The state board shall adopt rules and regulations for its meetings and proceedings as it deems advisable.

History. Acts 1931, No. 169, §§ 7, 14; Pope's Dig., §§ 11447, 11453; Acts 1941, No. 127, §§ 5, 6, 8; A.S.A. 1947, §§ 80-107, 80-113, 80-122; Acts 1987, No. 771, §§ 5, 11; 1999, No. 1323, §§ 6, 7; 2003, No. 413, § 1; 2005, No. 2136, § 1; 2009, No. 1473, § 1; 2011, No. 989, § 1.

Amendments. The 2009 amendment deleted (a)(2) and redesignated the remaining subdivisions accordingly; and, in (a)(3), deleted "and regulations for the sanitary inspection of all buildings and" following "rules."

The 2011 amendment added (a)(12).

6-11-111. Records of proceedings — Annual report.

(a) The State Board of Education shall keep in the office of the Commissioner of Education a complete record of the minutes of its meetings and other proceedings and annually shall make a report to the Governor that shall embody the report of the commissioner to the state board.

(b) At the opening of each regular session of the General Assembly, the Governor shall transmit to the General Assembly each annual report of the state board for each year of the biennium preceding the regular session of the General Assembly.

(c)(1) Each annual report of the state board shall be printed by the state board and distributed among the various school officers of the state or made available to public school districts by including a link to the annual report on the Department of Education website.

(2) The annual report shall include without limitation the information required by § 6-20-2304(b).

History. Acts 1931, No. 169, §§ 17, 25; Pope's Dig., §§ 11456, 11464; A.S.A. 1947, §§ 80-110, 80-112; Acts 1987, No. 771, § 7; 1999, No. 1323, § 12; 2007, No. 1587, § 1; 2009, No. 376, § 4.

Amendments. The 2009 amendment

inserted "to the state board" in (a); inserted "each annual report of the state board for each year of the biennium preceding the regular session of the General Assembly" in (b); and made minor stylistic changes.

6-11-114. [Repealed.]

Publisher's Notes. This section, concerning receipt and administration of federal aid for school facilities, was repealed by Acts 2009, No. 1473, § 2. This section

was derived from Acts 1955, No. 88, § 1; A.S.A. 1947, § 80-140; Acts 1987, No. 771, § 13.

6-11-116. Standards for priority of projects.

(a) The Commission for Arkansas Public School Academic Facilities and Transportation is granted authority to prescribe principles, standards, and criteria to be followed in setting up priority of projects, provided that such principles, standards, and criteria are not in conflict with federal statutes.

(b) Such principles, standards, and criteria shall include the following factors which shall be given priority over other considerations so long as they are not in conflict with the federal statutes:

(1) The relative condition of facilities within a school district, taking into consideration the age and condition of school buildings and facilities and the need for replacement or repair thereof to properly accommodate the school population of the school district and to protect the health and safety of the school children;

(2) The relative financial ability of school districts to provide facilities with local taxes;

(3) The adequacy of satisfactory facilities within feasible transportation distances of children within a school district or county; and

(4) The relative debt service obligations of districts in proportion to the statutory limitations on bonded indebtedness of school districts.

History. Acts 1955, No. 88, § 3; A.S.A. 1947, § 80-142; Acts 2009, No. 1473, § 3.

Public School Academic Facilities and Transportation" for "State Board of Education" in (a).

Amendments. The 2009 amendment substituted "Commission for Arkansas

6-11-124. Statewide computer network.

(a)(1) Acts 1991, No. 1034, authorizes the Board of Trustees of the Arkansas Teacher Retirement System to provide a loan to the Department of Education for a statewide computer system capable of linking all public school systems and the department.

(2) In order to provide alternatives to accomplish the purposes of Acts 1991, No. 1034, the department is hereby authorized to enter into a contractual agreement with IMPAC Learning Systems, Inc., for the development of a statewide computer system capable of linking all public school systems and the department from funds provided by a loan from the Arkansas Teacher Retirement System.

(b) The State Board of Education shall maintain oversight authority over the approval of all standards, procedures, and specifications determined by the department regarding the purchase or lease of the statewide computer network in addition to maintaining oversight authority over the operational aspects of the system.

(c) The Commissioner of Education may request from the Chief Fiscal Officer of the State a transfer of appropriation authorized for school district management and statewide data collection by the General Assembly to any other line item appropriation authorized for the department for the same purpose.

History. Acts 1992 (1st Ex. Sess.), No. 4, §§ 1-4; 1999, No. 98, § 1; 2005, No. 1936, § 3; 2009, No. 376, § 5.

in (c), substituted “Commissioner of Education” for “director” and made a minor stylistic change.

Amendments. The 2009 amendment,

6-11-128. Arkansas Public School Computer Network.

(a)(1) As used in this section, “Arkansas Public School Computer Network” or “APSCN” means the Department of Education’s computer network system for public school district reporting of financial management data and student management data to the Department of Education.

(2) All school districts and education service cooperatives shall, as a minimum, use the following financial management systems applications of the Arkansas Public School Computer Network:

- (A) Fund accounting, including all activity funds;
- (B) Budget preparation;
- (C) Human resources; and
- (D) Fixed assets.

(b) After approval by the Department of Education, a school district may use a different software system at the school district level if:

(1) The Department of Education determines that the school district’s software meets the minimum reporting requirements provided by the Arkansas Public School Computer Network; and

(2) The school district supplies all school district transaction information to the Arkansas Public School Computer Network in a compatible format and in sufficient detail as required by the Department of Education.

(c) The Department of Education shall implement the use of policies, procedures, and personnel to provide for data quality and security with the Arkansas Public School Computer Network, including without limitation the following:

(1) Periodically conducting a thorough security review and security risk assessment for all information, including without limitation personally identifiable employee and student information, that originates in the school districts and terminates on Department of Information Systems and Arkansas Public School Computer Network servers;

(2) Creating security plans, policies, and procedures;

(3) Monitoring the mechanism for the network’s end-to-end, enterprise-wide financial and student information systems;

(4) Creating and maintaining a process for documenting and monitoring the quality of data from its source of entry into the network to any educational data repository in the Department of Education; and

(5) Establishing standards and monitor compliance with standards for all software and data testing in the network;

(6)(A) Developing a certification program to certify:

(i) At least one (1) person in each school district as a certified APSCN financials user and trainer; and

(ii) At least one (1) person in each school district as a certified APSCN student management user and trainer.

(B) The certification process shall require an applicant for certification to successfully complete the following components, including without limitation:

(i) Courses in the application area;

(ii) Training in using the network's reporting tools; and

(iii) An examination that tests the applicant's knowledge and skills in the application area and the Arkansas Public School Computer Network's reporting tools.

(C) In a school district of five hundred (500) or fewer students, one (1) person may be certified in both financials and student management; and

(7) Developing a data quality metrics program designed to significantly reduce the number of data errors within the Arkansas Public School Computer Network's applications and data warehouse and provide reports on code changes and time availability of information, including without limitation:

(A) The number of code changes made in mid-year;

(B) The percent of prime time availability of all applications that feed data into the network and data warehouse;

(C) The percent of time availability of each school district server and local area network for use with the Arkansas Public School Computer Network's availability;

(D) Corrective actions taken on the Arkansas Public School Computer Network's applications and data warehouse;

(E) Preventive actions taken to avoid downtime and data errors;

(F) Cycle data tardiness; and

(G) Number of data corrections made during each cycle submission.

(d)(1)(A) Beginning with the 2007-2008 school year, the Department of Education shall:

(i) Collect data from public school districts on full-time equivalents and average teachers' salaries by July 31 of each year;

(ii) Collect actual revenue and expenditure data not later than August 31 of each year; and

(iii) Require budget reporting not earlier than September 30 of each year.

(B) The Arkansas Public School Computer Network shall have the programs necessary to collect the data in this subdivision (d)(1) available to each public school district at least fifteen (15) days before the date a public school district is required to submit the data.

(2)(A) Beginning with the 2008-2009 school year, the Department of Education shall release monthly from the Arkansas Public School

Computer Network selected financial and student management data submitted by public school districts for the previous month.

(B) The General Assembly and the Department of Education shall determine by mutual agreement what financial and student management data will be selected for the monthly release.

(C) The Department of Education shall make the information available to the General Assembly in the Arkansas Public School Computer Network data warehouse by the tenth business day of each month.

History. Acts 2003, No. 1097, § 1; 2003, No. 1769, § 1; 2007, No. 617 § 3; 2007, No. 723, § 1; 2007, No. 724, § 1; 2009, No. 1463, § 1.

Amendments. The 2009 amendment rewrote (d)(1)(B).

6-11-129. Data to be accessible on website.

(a)(1) Each school district shall make the following information and data easily identified on its website or the website of the school district's education service cooperative, if the education service cooperative maintains the school district's website:

(A) Current comprehensive financial data reports for school districts, including:

(i) Local and state revenue sources;

(ii) Administrator and teacher salary and benefit expenditure data;

(iii) School district balances, including legal balances and building fund balances;

(iv) Minutes of regular and special meetings of the school board of directors;

(v) The school district budget for the ensuing year, which shall be posted on the website within thirty (30) days following the date required to be submitted to the Department of Education;

(vi) A financial breakdown of monthly expenses of the school district;

(vii) Salary schedules for all employees, including extended contract and supplementary pay amounts;

(viii) Current contract information with all school district employees, except that social security numbers, telephone numbers, personal addresses, or signatures shall not be published;

(ix) The annual budget of the school district; and

(x) The annual school district statistical report; and

(B) Each school district's personnel policies required under § 6-17-201 et seq. and § 6-17-2301 et seq.

(2) Information and data required to be made available and easily accessible on the school district's website under this section shall be the actual data for the two (2) previous school years and the projected budgeted information for the current school year.

(b) The department shall make the information and data required by this section available and easily accessible on the department's website by including direct links to the websites of all Arkansas school districts.

History. Acts 2003, No. 1802, § 1; 2003 (2nd Ex. Sess.), No. 50, § 1; 2005, No. 2121, § 2; 2007, No. 54, § 1; 2007, No. 617, § 4; 2007, No. 1573, §§ 1, 48; 2009, No. 1180, § 1; 2011, No. 989, § 2.

A.C.R.C. Notes. Acts 2009, No. 1180, § 4, provided: "The document attached hereto titled 'Prologue' contains the findings concerning the history of school board functions. The document, 'Prologue', shall be filed in the journals of the House and Senate."

Amendments. The 2009 amendment inserted "or the website of the school dis-

trict's education service cooperative, if the education service cooperative maintains the school district's website" in the introductory language of (a)(1); inserted "expenditure" in (a)(1)(A)(ii); rewrote (a)(1)(A)(iv) through (a)(1)(A)(vi); inserted (a)(1)(A)(vii) through (a)(1)(A)(x); deleted (a)(1)(C) and (a)(1)(D); deleted "on the department's website" at the end of (b); and made related and minor stylistic changes.

The 2011 amendment added "and § 6-17-2301 et seq." at the end of (a)(1)(B).

SUBCHAPTER 2 — STATE BOARD OF CAREER EDUCATION

SECTION.

- 6-11-201. Director of the Department of Career Education.
- 6-11-202. Records of proceedings.
- 6-11-203. Vocational education.
- 6-11-204. Official seal — Copies of documents as evidence.
- 6-11-205. Federal aid — Acceptance and distribution generally.
- 6-11-206. Federal aid — Receipt and administration for school facilities.

SECTION.

- 6-11-207. Power to make plans coordinating state and federal laws.
- 6-11-208. Regional Educational Career Alternative School System for Adjudicated Youth — Multiagency task force — Formation.

A.C.R.C. Notes. Acts 2009, No. 787, § 2, provided: "State Board of Workforce Education and Career Opportunities renamed State Board of Career Education."

"(a)(1) The State Board of Workforce Education and Career Opportunities, as it is referred to or empowered through the Arkansas Code, is renamed."

"(2) In its place, the State Board of Career Education is established, succeeding to the general powers and responsibilities previously assigned to the State Board of Workforce Education and Career Opportunities."

"(3) The Chair of the State Board of Workforce Education and Career Opportunities shall identify and revise all interagency agreements, financial instruments, funds, and other necessary legal documents in order to effect this change."

"(b) Nothing in this act shall be construed as impairing the powers and authority of the State Board of Workforce Education and Career Opportunities before the effective date of the name change."

"(c) Appropriations authorized for the personal services and operating expenses of the State Board of Workforce Education and Career Opportunities may be utilized for the personal services and operating expenses of the State Board of Career Education."

Acts 2009, No. 787, § 5, provided: "(a) This act shall not be construed as impairing the continued effectiveness of any rules or orders promulgated or issued by the Department of Workforce Education or the State Board of Workforce Education and Career Opportunities before the effective date of this act."

"(b) This act shall not be construed as

extinguishing or otherwise affecting the unexpired terms of any current members of the State Board of Workforce Education and Career Opportunities.”

6-11-201. Director of the Department of Career Education.

(a)(1) The Director of the Department of Career Education, or a disbursing agent designated by him or her and approved by the State Board of Career Education, shall give bond to the State of Arkansas as provided by law for other disbursing agents conditioned for the faithful performance of his or her duties and the faithful accounting for all the school money of the state, of any county, or of any school district that may come into his or her hands.

(2) The bond shall be in a solvent surety company having a right to do business in the State of Arkansas and shall be approved by the board.

(3) The premium on the bond shall be paid by the board as one of the expenses of the board.

(b) The state shall furnish the director with suitable offices.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. the section head and twice in (a)(1); and deleted “and Career Opportunities” preceding “shall give” in (a)(1).

Amendments. The 2011 amendment substituted “Career” for “Workforce” in

6-11-202. Records of proceedings.

The State Board of Career Education shall keep in the office of the Director of the Department of Career Education a complete record of the minutes of its meetings and other proceedings.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. substituted “Career” for “Workforce” twice and deleted “and Career Opportunities” preceding “shall keep.”

Amendments. The 2011 amendment

6-11-203. Vocational education.

The State Board of Career Education shall have general supervision of vocational education in the state and shall administer and apportion any funds that come to the state for that purpose.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1. substituted “Career” for “Workforce” and deleted “and Career Opportunities” preceding “shall have.”

Amendments. The 2011 amendment

6-11-204. Official seal — Copies of documents as evidence.

(a) The State Board of Career Education shall adopt a seal, and the seal shall be used by the Director of the Department of Career Education to authenticate documents or copies of documents as the board or director considers advisable.

(b) Copies of any papers or documents on file in the offices of the director authenticated by him or her with the seal of the board shall be admissible in evidence with the same effect as the original.

History. Acts 1999, No. 1323, § 17; in (a), substituted “Career” for “Workforce” twice and deleted “and Career Opportunities” preceding “shall adopt.”

Amendments. The 2011 amendment, opportunities” preceding “shall adopt.”

6-11-205. Federal aid — Acceptance and distribution generally.

(a)(1) The General Assembly accepts all federal aid to education that may be provided by Congress.

(2) The State Board of Career Education is designated as the state educational authority to represent the state in the administration of funds provided by Congress.

(3) The board may promulgate regulations as are necessary on the part of the state to meet any requirement of the federal government in the distribution of federal aid.

(4) The board shall provide for the proper auditing and accounting of all federal funds and for making all necessary reports regarding the expenditures of the federal funds.

(5) The board shall perform other functions as may be prescribed by the act providing aid.

(b) The Treasurer of State is designated to serve as trustee for such funds as may be apportioned to the State of Arkansas in this connection.

(c) The funds shall be disbursed according to the federal act allocating them.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1.

Amendments. The 2011 amendment, substituted “Career” for “Workforce” and deleted “and Career Opportunities” preceding “is designated”; and substituted “any requirement” for “any and all requirements” in (a)(3).

6-11-206. Federal aid — Receipt and administration for school facilities.

The State Board of Career Education is designated to receive and administer any federal funds made available to this state to assist local school districts in providing elementary and secondary school facilities for vocational and adult education programs.

History. Acts 1999, No. 1323, § 17; 2011, No. 981, § 1.

Amendments. The 2011 amendment substituted “Career” for “Workforce” and deleted “and Career Opportunities” preceding “is designated.”

6-11-207. Power to make plans coordinating state and federal laws.

The State Board of Career Education may make plans, rules, and regulations as are necessary in order for this state to meet the requirements of any law enacted by Congress for vocational-technical

education or any supplementary federal regulations pertaining to that legislation.

History. Acts 1999, No. 1323, § 17; substituted "State Board of Career Education" for "State Board of Workforce and Career Opportunities."

Amendments. The 2011 amendment

Career Opportunities."

6-11-208. Regional Educational Career Alternative School System for Adjudicated Youth — Multiagency task force — Formation.

(a)(1) A multiagency task force, staffed and supported by the Department of Career Education, is established and shall consist of five (5) members, including:

(A) The Commissioner of Education or his or her designee;

(B) The Director of the Department of Career Education or his or her designee;

(C) The Director of the Department of Higher Education or his or her designee;

(D) The Director of the Department of Human Services or his or her designee; and

(E) The Director of the Department of Workforce Services or his or her designee.

(2) Funding for the multiagency task force shall be provided by:

(A) The Department of Career Education; or

(B) Each agency that serves on the multiagency task force, in an equal amount.

(3) The multiagency task force shall:

(A) Establish criteria and standards for a career-based curriculum to be offered in the Regional Educational Career Alternative School System for Adjudicated Youth;

(B) Formulate and recommend how to operate a Regional Educational Career Alternative School System for Adjudicated Youth; and

(C) Strive to open at least one (1) Regional Educational Career Alternative School for Adjudicated Youth in the 2013-2014 school year, upon the availability of funding.

(4) Beginning on October 1, 2011, the multiagency task force shall provide status reports to the interim House Committee on Aging, Children and Youth, Legislative and Military Affairs and the Senate Interim Committee on Children and Youth one (1) time each quarter.

(b) The Regional Educational Career Alternative School System for Adjudicated Youth may consist of at least one (1) but not more than five (5) Regional Educational Career Alternative Schools for Adjudicated Youth.

(c) A Regional Educational Career Alternative School for Adjudicated Youth shall offer without limitation:

(1) At least the minimum twenty-two-credit curriculum required to obtain a diploma;

(2) Vocational education and certificates;

- (3) Career education services, including the General Educational Development Test;
- (4) Special education services; and
- (5) Support services.

History. Acts 2011, No. 1202, § 1.

CHAPTER 12

COUNTY BOARDS OF EDUCATION

SUBCHAPTER.

1. GENERAL PROVISIONS.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-12-112. Audit of school district fiscal affairs.

6-12-112. Audit of school district fiscal affairs.

- (a) Any school district is authorized to provide for an audit of its fiscal affairs by a competent accountant.
- (b) Authority is given to the Division of Legislative Audit to audit the books of any school district in the state upon the request of a fiscal officer or school district, county, or state school official.
- (c) In cases of undue demands upon the division for these audits, the division will be considered justified in charging a fee for the service rendered, the fee not to be more than payments made for help employed in the audit in addition to the legally provided personnel of the division.

History. Acts 1941, No. 327, § 12; A.S.A. 1947, § 80-215; Acts 2005, No. 2190, § 3; 2009, No. 376, § 6.

Amendments. The 2009 amendment, in (c), substituted “division” for “office” twice, and made a minor stylistic change.

CHAPTER 13

SCHOOL DISTRICTS

SUBCHAPTER.

- 1. GENERAL PROVISIONS.
- 6. SCHOOL DISTRICT BOARDS OF DIRECTORS GENERALLY.
- 7. SCHOOL DISTRICT TREASURER.
- 10. EDUCATION SERVICE COOPERATIVE ACT.
- 13. SITE-BASED DECISION MAKING.
- 14. CONSOLIDATION, ANNEXATION, AND FORMATION.
- 16. PUBLIC EDUCATION REORGANIZATION ACT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-13-104. Uncertain boundaries.

6-13-104. Uncertain boundaries.

(a) When there is a doubt as to the boundaries of a school district because of lost records or other uncertainty, the State Board of Education shall:

(1) Issue an order fixing the boundaries; and

(2) File the order with the:

(A) County clerk of each county where the school district lies;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(b) The county clerk shall make a permanent record of the order.

(c) The school district boundaries fixed under this section shall be the boundaries of the school district until changes are made according to the provisions of law.

History. Acts 1931, No. 169, § 76; Pope's Dig., § 11512; A.S.A. 1947, § 80-425; Acts 1993, No. 294, § 6; 1999, No. 1078, § 26; 2011, No. 989, § 3.

Amendments. The 2011 amendment subdivided the former section; deleted "county clerk, who shall make a perma-

nent record of the order, and thereafter the" at the end of (a)(2); inserted (a)(2)(A) through (b); in (c), added "The school district" and deleted "and the school district shall be a school district according to the provisions of this act" at the end.

SUBCHAPTER 6 — SCHOOL DISTRICT BOARDS OF DIRECTORS GENERALLY**SECTION.**

6-13-620. Powers and duties.

6-13-628. Purchases in small communities without bids.

6-13-629. Training and instruction — Reimbursement.

SECTION.

6-13-631. Effect of minority population on election.

6-13-620. Powers and duties.

The board of directors of each school district in the state is charged with the following powers and required to perform the following duties in order to provide no less than a general, suitable, and efficient system of free public schools:

(1) Attend meetings of the school board;

(2) Determine the mission and direction of the school district;

(3) Adhere to state and federal laws governing public schools;

(4) Enact, enforce, and obey school district policies;

(5)(A) Employ staff, including:

(i)(a) A superintendent of schools to oversee the day-to-day operations of the school district.

(b) A superintendent shall be evaluated annually or no less often than prior to any extension of his or her employment contract.

(c) Superintendents and assistant superintendents may be employed under contract terms and conditions that incorporate all elements prescribed by the State Board of Education; and

(ii)(a) School district employees under initial written employment contracts in the form prescribed by the State Board of Education, not including day-to-day substitutes.

(b) The employment contract shall:

(1) State the duration of employment, specific duties of the employee and the annual salary or hourly wage of the employee and projected annual earnings in the case of nonexempt employees under applicable state and federal law; and

(2) Incorporate all personnel policies adopted by June 30 to be in effect on July 1 of the following employee contract year, subject to the requirements and exceptions contained in §§ 6-17-204 and 6-17-205.

(B) Copies of initial written employment contracts and renewed written employment contracts issued in accordance with §§ 6-17-1506 and 6-17-1703 shall be distributed as follows:

(i) One (1) copy to be given to the employee;

(ii) One (1) copy to be retained by the school board of directors; and

(iii) One (1) copy to be retained by the school district's treasurer or bookkeeper;

(6) Understand and oversee school district finances required by law to ensure alignment with the school district's academic and facility needs and goals, including without limitation:

(A) Reviewing, adopting, and publishing the school district's budget;

(B) Overseeing and monitoring the school district finances, including:

(i) Revenues;

(ii) Expenditures;

(iii) Investments;

(iv) Debts;

(v) Obligations;

(vi) Inventory; and

(vii) Real property;

(C) Borrowing money as necessary, but in no case shall the school board of directors permit the school district to end the fiscal year with a negative legal balance;

(D) Entering into contracts for goods and services necessary to operate the school district;

(E) Buying, selling, renting, and leasing real property and personal property on behalf of the school district;

(F) Receiving, reviewing, and approving each annual financial audit report and presenting it to the public;

(7) Ensure that:

(A) Necessary and sufficient facilities are built or obtained, furnished, and maintained; and

(B) All properties belonging to the district are managed and maintained for the benefit of the school district;

(8) Approve the selection of curriculum and ensure that students are offered and taught the courses of study and educational content required by the State Board of Education;

(9) Visit district schools and classrooms when students are present no less than annually and attend some events and functions;

(10) Obtain the training and professional development necessary to serve as active and informed members of the school board of directors; and

(11) Do all other things necessary and lawful for the conduct of efficient free public schools in the school district.

History. Acts 1931, No. 169, § 97; Pope's Dig., § 11535; Acts 1939, No. 316, § 1; 1941, No. 389, § 1; 1943, No. 96, § 1; 1949, No. 287, § 1; 1953, No. 204, § 1; 1957, No. 280, § 1; 1969, No. 327, § 1; 1973, No. 253, § 3; 1973, No. 690, § 1; 1977, No. 658, § 1; 1983 (Ex. Sess.), No. 41, § 1; 1983 (Ex. Sess.), No. 53, § 1; A.S.A. 1947, § 80-509; Acts 1989, No. 822, § 1; 1993, No. 294, § 7; 1995, No. 233, § 1; 1999, No. 391, § 3; 1999, No. 1078, § 38; 2001, No. 581, § 1; 2001, No. 1747, § 1; 2003, No. 1738, § 1; 2007, No. 617, §§ 5, 6; 2007, No. 710, § 1; 2007, No. 1573, § 45; 2009, No. 1180, § 2.

A.C.R.C. Notes. Acts 2009, No. 1180, § 4, provided: "The document attached hereto titled 'Prologue' contains the findings concerning the history of school board functions. The document, 'Prologue', shall be filed in the journals of the House and Senate."

Amendments. The 2009 amendment rewrote the section.

6-13-628. Purchases in small communities without bids.

Whenever any school in a school district in any county of this state having a population of less than six thousand (6,000), according to the most recent federal census, is located in a community in which there is only one (1) store selling school supplies or furnishings, the school district may purchase such supplies or furnishings from the store irrespective of any laws of this state regarding the taking of bids for school purchases.

History. Acts 1959, No. 80, § 1; A.S.A. 1947, § 80-539; Acts 2009, No. 285, § 1.

Amendments. The 2009 amendment deleted "or laws prohibiting the selling of supplies and furnishings to any school district by a member of the school district board of directors" following "school purchases."

6-13-629. Training and instruction — Reimbursement.

(a)(1)(A) A member of a local school district board of directors who has served on the board of directors for twelve (12) or more consecutive months shall obtain no less than six (6) hours of training and instruction by December 31 of each calendar year.

(B) A member of a school district board of directors elected for an initial or non-continuous term shall obtain:

(i) No less than nine (9) hours of training and instruction by December 31 of the calendar year following the year in which the member is elected; and

(ii) The training or instruction under subdivision (a)(2)(B) of this section within the first fifteen (15) months of service on the board of directors.

(2)(A) The training and instruction required under this section shall include topics relevant to school laws, school operations, and the

powers, duties, and responsibilities of the members of the board of directors, including without limitation:

(i) Legal requirements, including without limitation:

(a) The items listed or required by the Legislative Joint Auditing Committee under § 6-1-101; and

(b) Other financial laws or regulations designated by the Department of Education;

(ii) Role differentiation;

(iii) Financial management, including without limitation how to read and interpret an audit report; and

(iv) Improving student achievement.

(B) The training or instruction on how to read and interpret an audit report:

(i) Shall be conducted by a person who:

(a) Is licensed to practice accounting by the Arkansas State Board of Public Accountancy;

(b) Has prior experience in conducting a school district financial audit;

(c) Is not an employee of the Division of Legislative Audit unless the training or instruction is conducted for the boards of directors of multiple school districts; and

(d) Is not the person conducting the annual audit or other financial audit of the school district unless the training or instruction is presented in a large group setting sponsored by a statewide or regional organization that is attended by multiple school districts; and

(ii) May be conducted by electronic means or in person or both.

(3) Hours of training and instruction obtained in excess of the minimum requirements each year may accumulate and be carried forward from year to year.

(4) This instruction may be received from an institution of higher learning in this state, from instruction sponsored or approved by the Department of Education, or by an in-service training program conducted by or through the Arkansas School Boards Association.

(5) A school district shall maintain a record of hours of training and instruction for board members, which may be in the form of an attested, cumulative annual report from the training providers and which shall be subject to verification and inspection during the school district's annual audit.

(b) Local school district boards of directors are authorized to pay per diem and other necessary expenses from funds belonging to the school district and to reimburse school board directors for expenses incurred in attending in-service workshops, conferences, and other courses of training and instruction required in completing the training and instruction as required in subsection (a) of this section.

(c)(1) The State Board of Education shall promulgate rules, which may be included in the Standards for Accreditation of Arkansas Public Schools and School Districts, requiring that a statement of the hours of

training and instruction obtained by each member of a school district board of directors in the preceding year be:

(A) Part of the comprehensive school plan and goals;

(B) Published in the same way that other components of the comprehensive school plan and goals are required to be published; and

(C) Made a part of the annual school performance report under § 6-15-1402.

(2) The state board shall promulgate rules as necessary to carry out the provisions and intent of this section.

History. Acts 1987, No. 767, §§ 1, 2; inserted (a)(1)(B)(ii); rewrote present 2005, No. 1775, § 1; 2011, No. 1213, § 1. (a)(2)(A); and inserted (a)(2)(B).

Amendments. The 2011 amendment

6-13-631. Effect of minority population on election.

(a) The qualified electors of a school district having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information, shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended.

(b)(1) At least ninety (90) days before the election, the local board of directors shall:

(A) By resolution, choose to elect members of the board of directors from five (5) or seven (7) single-member zones or from five (5) single-member zones and two (2) at large; and

(B) With the approval of the controlling county board of election commissioners, divide each school district having a ten percent (10%) or greater minority population into five (5) or seven (7) single-member zones in accordance with the federal Voting Rights Act of 1965, as amended.

(2) Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information.

(c) A board of directors choosing to elect members of the board of directors by five (5) single-member zones and two (2) at-large positions may fill the two (2) at-large positions by drawing lots from among the current members of the board of directors.

(d)(1)(A) A candidate for election from a single-member zone must be a qualified elector and a resident of the zone.

(B) A candidate for an at-large position must be a qualified elector and a resident of the school district.

(2)(A) Except as provided in subsection (e) of this section, a member of a school district board of directors shall serve a five-year term.

(B) A term shall commence when the county court declares the results of the election by an order entered of record.

(e) At the first meeting of a new board of directors, the members shall establish initial terms by lot so that, to the extent possible, an equal

number of positions are filled each year and not more than two (2) members' terms expire each year.

(f)(1) At least ninety (90) days before the second annual school election after each federal decennial census, the local board of directors, with the approval of the controlling county board of election commissioners, shall:

(A) Divide each school district having a ten percent (10%) or greater minority population into single-member zones; and

(B)(i) File a copy of the plan with the county clerk of the county where the school district is administratively domiciled.

(ii) The plan shall include a map showing the boundaries of the zones and documentation showing the population by race in each zone.

(2) The zones shall be based on the most recent federal decennial census information and be substantially equal in population.

(3) At the annual school election following the rezoning, a new school board of directors shall be elected in accordance with procedures set forth in this section.

(g)(1) The following school districts shall be exempt from the provisions of this section:

(A) A school district that is currently operating under a federal court order enforcing school desegregation or the federal Voting Rights Act of 1965, as amended;

(B) A school district that is operating under a preconsolidation agreement that is in compliance with the federal Voting Rights Act of 1965, as amended;

(C) A school district that has a zoned board of directors meeting the requirements of the federal Voting Rights Act of 1965, as amended; and

(D) A school district that a federal court has ruled is not in violation of the federal Voting Rights Act of 1965, as amended, so long as the court order is in effect.

(2) A school district which on August 13, 1993, was in the process of defending a lawsuit brought under the federal Voting Rights Act of 1965, as amended, shall also be exempt from the provisions of this section until such time as the lawsuit has been finally resolved.

(3)(A) A school district released from operating under a federal court order enforcing school desegregation shall comply with the provisions of this section.

(B) The school district shall use the most recent federal decennial census information to create zones pursuant to this section within one hundred eighty (180) calendar days after the release from the court order.

(h)(1) On or before August 1, 2002, and every decade thereafter, each and every school district shall submit to the Department of Education a letter stating whether or not its school board of directors falls under this section. In that same letter, each school district that falls under this section shall state how it has complied with this section. Further-

more, in the same letter, any school district that believes that it is exempt from this section shall state under which provision it is exempt.

(2) The department shall withhold twenty percent (20%) of the annual state funds allocation to a school district not in compliance with this section.

(i) The State Board of Education is hereby authorized to adopt rules and regulations necessary for the implementation of this section.

History. Acts 1993, No. 786, § 1; 1993, No. 1169, § 1; 1994 (2nd Ex. Sess.), No. 57, § 2; 1994 (2nd Ex. Sess.), No. 58, § 2; 1999, No. 1078, § 39; 2001, No. 1716, § 1; 2009, No. 959, § 1; 2011, No. 981, § 2.

Amendments. The 2009 amendment subdivided (f); and rewrote (f)(1).

The 2011 amendment deleted "Beginning with the 1994 annual school election" at the beginning of (a).

CASE NOTES

Cited: Helena-West Helena Sch. Dist. v. Fluker, 371 Ark. 574, 268 S.W.3d 879 (2007).

SUBCHAPTER 7 — SCHOOL DISTRICT TREASURER

SECTION.

6-13-701. Powers and duties.

6-13-701. Powers and duties.

(a) The board of directors of any school district in Arkansas is authorized to appoint a treasurer to handle the funds of the school district.

(b) The treasurer shall be appointed at a regular meeting of the board of directors.

(c) An executed certificate of appointment shall be filed with the county clerk, the county treasurer, and the Director of the Department of Finance and Administration.

(d) School district treasurers shall execute a surety bond in such amount as may be required by the director, who shall approve the bond. The premium on the bond shall be paid out of the funds of the school district.

(e) The duties of the school district treasurer shall be as follows:

(1)(A) To receive and disburse funds of the school district. Disbursements of such funds shall be made only upon:

(i) Checks or warrants signed by the disbursing officer of the school district board of directors and by the superintendent of the school district; or

(ii) The electronic transfer of funds if the electronic transfer is:

(a) Initiated by the school district; and

(b) Authorized in writing by both the disbursing officer of the board of directors and the superintendent of the school district.

(B) As an evidence of authority for disbursement of any funds, the school district treasurer shall have on hand approved:

- (i) Invoices;
 - (ii) Payrolls that conform with written contracts on file in his or her office; and
 - (iii) Other appropriate documentation that indicates an authority for disbursement;
- (2) To keep a record of all financial transactions of the school district on forms approved by the Department of Education and the Division of Legislative Audit;
- (3) To make a monthly statement to the school district board of directors of the financial condition of the school district;
- (4) To submit an annual statement of the affairs of the school district to the school district board of directors in July of each year;
- (5) To make such financial reports to the Department of Education as are required by law;
- (6) To not be interested directly or indirectly in any contract authorized by the school district board of directors;
- (7) To make his or her records available at all times for inspection by any taxpayer of the school district; and
- (8) To perform all duties now imposed by law upon the treasurer of a school district and to be subject to all regulations.
- (f)(1)(A) All local taxes of the school district shall be remitted to the county treasurer by the county collector.
- (B) The county treasurer shall remit the funds in a timely manner to the school district treasurer in those school districts maintaining a school district treasurer.
- (2) The school district treasurer shall issue duplicate receipts for all funds he or she receives. The original shall be transmitted to the party making the remittance, and the duplicate shall be kept by the school district treasurer.
- (g)(1) As used in this section, "activity funds" means those funds whose sources of revenues are from:
- (A) The sale of tickets to athletic contests or other school-sponsored activities;
 - (B) The sale of food, except that which is sold in the lunchroom;
 - (C) The sale of soft drinks, school supplies, and books; and
 - (D) Fees charged by clubs and organizations.
- (2)(A) All school districts may maintain activity funds and school service funds at the school.
- (B) All activity funds and school food service funds shall be maintained and accounted for in accordance with guidelines and procedures established by the Department of Education.
- (C) The superintendent of the school maintaining activity funds and school food service funds shall be the official custodian of all activity funds and school service funds and shall be responsible and accountable for the funds.
- (D) By resolution adopted by a majority vote of the local school district board of directors, the superintendent may appoint another school employee to be the cocustodian of any or all activity funds and school food service funds.

(E) The cocustodian shall also be responsible and accountable for activity funds and school food service funds maintained by the cocustodian.

(h) The county treasurer shall receive as commission for handling the funds of such school districts only one-fourth of one percent (.25%) of all funds passing through his or her hands on which county treasurers are authorized by law to charge commissions.

(i) The records of the school district treasurers shall be audited by the division annually in the same manner as now provided for the auditing of county officials.

(j) The fraudulent use by the school district treasurer of any funds of the school district or by any school board members shall constitute a Class C felony. Upon conviction, such person shall be ordered to pay in restitution an amount double the amount involved.

History. Acts 1943, No. 269, §§ 1-7; A.S.A. 1947, §§ 80-521 — 80-527; Acts 1987, No. 764, § 2; 1993, No. 294, § 7; 1995, No. 233, § 2; 1999, No. 1078, § 40; 2005, No. 1994, § 418; 2009, No. 376, § 7; 2011, No. 989, § 4.

Amendments. The 2009 amendment redesignated the text in (f)(1); and in-

serted "county" preceding "collector" in (f)(1)(A).

The 2011 amendment subdivided (e)(1); rewrote (e)(1)(A)(i); inserted (e)(1)(A)(ii); substituted "the school district treasurer" for "he or she" in (e)(1)(B); and added (e)(1)(B)(iii).

SUBCHAPTER 9 — PUBLIC SCHOOL EDUCATIONAL COOPERATIVE ACT

6-13-902. Definitions.

CASE NOTES

Educational Cooperative.

Educational cooperative, unless covered by liability insurance for the damages alleged in a complaint against it, was immune from liability and from suit for

damages under § 21-9-301 because it was an agency of a school district. Ark. River Educ. Servs. v. Modacure, 371 Ark. 466, 267 S.W.3d 595 (2007).

6-13-904. Agents for school districts.

CASE NOTES

Immunity From Suit.

Educational cooperative, unless covered by liability insurance for the damages alleged in a complaint against it, was immune from liability and from suit for

damages under § 21-9-301 because it was an agency of a school district. Ark. River Educ. Servs. v. Modacure, 371 Ark. 466, 267 S.W.3d 595 (2007).

SUBCHAPTER 10 — EDUCATION SERVICE COOPERATIVE ACT

SECTION.

- 6-13-1003. Boundaries — Adjustments.
- 6-13-1005. Alteration of boundaries.
- 6-13-1010. Director.

SECTION.

- 6-13-1011. Personnel generally.
- 6-13-1013. Policies, rules, and regulations.

SECTION.

6-13-1020. Policies and procedures — Expenditures, reports, and audits.

6-13-1021. Evaluations — Performance rating.

6-13-1027. Fiscal distress.

SECTION.

6-13-1028. Fiscal distress plan.

6-13-1029. Fiscal distress actions.

6-13-1030. Removal from fiscal distress status.

6-13-1031. Appeal.

6-13-1002. Education service cooperatives established — Functions.

CASE NOTES

Immunity.

Educational cooperative, unless covered by liability insurance for the damages alleged in a complaint against it, was immune from liability and from suit for

damages under § 21-9-301 because it was an agency of a school district. *Ark. River Educ. Servs. v. Modacure*, 371 Ark. 466, 267 S.W.3d 595 (2007).

6-13-1003. Boundaries — Adjustments.

(a) The State Board of Education shall establish tentative boundaries for the system of education service cooperatives authorized by this subchapter.

(b) These education service cooperatives shall be established so that:

(1) They include at least three (3) but no more than nine (9) counties;

(2) They include at least ten (10) but no more than thirty-five (35) school districts;

(3) They include at least twenty thousand (20,000) pupils in kindergarten through grade twelve (K-12) average daily membership;

(4) They include at least one (1) postsecondary education institution; and

(5) There is no more than fifty (50) miles distance or approximately one (1) hour driving time to the area's main offices for ninety percent (90%) of the school districts.

(c) The state board may make adjustments in the boundaries when criteria such as minimum average daily membership and maximum driving distances conflict. However, no more than four (4) of the areas formed may contain fewer than twenty thousand (20,000) students. In no case shall any education service cooperative be established with fewer than twelve thousand (12,000) pupils.

History. Acts 1985, No. 349, § 3; A.S.A. 1947, § 80-489.2; Acts 2011, No. 981, § 3. substituted "kindergarten" for "kindergarten" in (b)(3).

Amendments. The 2011 amendment

6-13-1005. Alteration of boundaries.

(a) The State Board of Education, upon the request of one (1) or more school district boards of directors, and consistent with the provisions of § 6-13-1003, may alter the boundaries of a proposed or operational education service cooperative when it determines such alteration to be

in the best interest of the school districts in the education service cooperatives involved.

(b) Consistent with § 6-13-1003, a member of an education service cooperative formed after January 1, 1984, under The Public School Educational Cooperative Act of 1981, § 6-13-901 et seq., may not be moved to another education service cooperative without that member's consent.

History. Acts 1985, No. 349, § 5; A.S.A. 1947, § 80-489.4; Acts 2009, No. 376, § 8. **Amendments.** The 2009 amendment rewrote (b).

6-13-1010. Director.

(a) Each education service cooperative shall be administered by a director who shall perform the following duties:

(1) Administer the programs and services of the education service cooperative;

(2) Recommend the employment of professional and nonprofessional personnel authorized by the education service cooperative's governing body;

(3) Prepare the budget for adoption by the education service cooperative's governing body;

(4) Direct expenditures of funds within the budget; and

(5) Perform other duties as required by the education service cooperative's governing body and the policies, rules, and regulations of the State Board of Education.

(b) The director of each education service cooperative shall:

(1) Hold an administrator's certificate and meet all requirements to serve as a superintendent of schools in the State of Arkansas; or

(2) Have an equivalent level of education and administrative experience and obtain the approval of the state board.

(c) The governing body of any education service cooperative may enter into a contract with a director for a period not to exceed three (3) years.

History. Acts 1985, No. 349, § 16; A.S.A. 1947, § 80-489.15; Acts 2009, No. 376, § 9. **Amendments.** The 2009 amendment inserted "state" in (b)(2).

6-13-1011. Personnel generally.

(a)(1) Personnel of education service cooperatives shall be employed in accordance with laws, rules, regulations, and procedures applicable to the school districts of this state.

(2) In lieu of a salary schedule, an education service cooperative annually may submit to the Department of Education a complete listing of all employees of the education service cooperative and each employee's position, salary, and benefits.

(b) Certificate requirements shall be the same as those expected of persons holding similar positions in local school districts.

(c) Termination or contract nonrenewal of education service cooperative personnel shall be as provided by law for the school district personnel.

History. Acts 1985, No. 349, § 17; **Amendments.** The 2009 amendment A.S.A. 1947, § 80-489.16; Acts 2009, No. 1289, § 1. added (a)(2).

6-13-1013. Policies, rules, and regulations.

(a) The State Board of Education shall develop such policies, rules, and regulations as may be needed for the proper administration of this subchapter consistent with the need to support and assist education service cooperatives in the delivery of services to school districts and with prudent use of available human and financial resources.

(b) The policies and rules shall include without limitation:

(1) The rules governing the operation of an education service cooperative within appropriate state and federal laws;

(2) Guidelines for settling possible disputes between school districts and in equity or jurisdictional matters relating to shared assets and services;

(3) The obligation of an education service cooperative board of directors for overseeing administrative and program expenditures; and

(4) The fiscal distress status of an education service cooperative under §§ 6-13-1027 — 6-13-1031.

History. Acts 1985, No. 349, § 14; **Amendments.** The 2009 amendment A.S.A. 1947, § 80-489.13; Acts 2009, No. 1289, § 2. rewrote (b).

6-13-1020. Policies and procedures — Expenditures, reports, and audits.

(a) On or before August 31 of each year, each education service cooperative shall file with the State Board of Education for the state board's approval:

(1) The policies and procedures of the education service cooperative, including without limitation the board of directors' policies and procedures for overseeing the administrative and program expenditures of the education service cooperative;

(2) A record of the education service cooperative's employment policies and practices for the year that includes without limitation:

(A) The race and sex of each person the education service cooperative employed or terminated during the year;

(B) The race and sex of every person who sought employment with the education service cooperative during the year; and

(C) The name of each person employed by the education service cooperative during the year who is related by blood or marriage to another employee or board member of the education service cooperative; and

(3)(A) A report of its receipts and expenditures made in accordance with uniform accounting procedures adopted by the Commissioner of Education.

(B) The report shall contain without limitation:

(i) An itemization of administrative and program expenditures; and

(ii) The result of the board of directors' review of the expenditures made under its oversight function.

(b) The Department of Education may prescribe the forms and procedures for filing the information required by subsection (a) of this section.

(c) Each education service cooperative is subject to an annual audit by the Legislative Joint Auditing Committee.

(d)(1)(A) In an annual meeting of the board of directors which must convene between May 15 and July 15, each education service cooperative shall report to its constituent school districts on the year's operations.

(B) The report also shall include information on fiscal distress under § 6-13-1027.

(2) The education service cooperative shall supplement its report with written reports to each school district and to the department on a school-by-school, service-by-service accounting basis.

(e) Following the end of each fiscal year, any balances in particular service accounts must be apportioned and returned to the schools involved or credited to their accounts for the following year.

History. Acts 1985, No. 349, § 19; **Amendments.** The 2009 amendment A.S.A. 1947, § 80-489.18; Acts 1989, No. 610, § 1; 2009, No. 1289, § 3. rewrote the section.

6-13-1021. Evaluations — Performance rating.

(a) Each education service cooperative shall be evaluated during the 2012-2013 school year, and at least once within each five-year period, on a schedule established by the Commissioner of Education, all active education service cooperatives must be visited by an evaluation committee of not more than nine (9) persons.

(b)(1)(A) Each evaluation shall include, but not be limited to, an investigation of user satisfaction, service adequacy, extent of local financial support, staff qualifications, and performance and administration effectiveness.

(B) The final evaluation, including any self-evaluation, shall be included in the annual report to the Department of Education, § 6-13-1020, and made available on the website of the education service cooperative.

(2)(A) The evaluation criteria shall be developed collaboratively between the department and the director of each education service cooperative.

(B) The evaluation criteria shall be fully implemented by September 1, 2012.

(c)(1) The report of this committee shall be filed with the education service cooperative visited, with its constituent school districts, and with the State Board of Education.

(2) The state board shall acknowledge receipt of the report and comment on any deficiencies identified in the report that should be corrected for the education service cooperative to remain eligible for base funding.

(3) The report shall identify each education service cooperative as being in one (1) of the following category levels, based on the evaluation:

- (A) "Level 5", education service cooperative of excellence;
- (B) "Level 4", education service cooperative exceeding standards;
- (C) "Level 3", education service cooperative meeting standards;
- (D) "Level 2", education service cooperative on alert; or
- (E) "Level 1", education service cooperative in need of immediate improvement.

(d)(1) The intent of this evaluation procedure is to provide a means for school districts to express their concerns about the operation of their education service cooperative and to ensure that each education service cooperative remains alert and responsive to the needs of the local schools it serves.

(2) An education service cooperative that receives a performance category level of level 1 shall be reevaluated during the evaluation cycle the following year.

(3) For all education service cooperatives that receive a performance category level of level 1 for two (2) consecutive years, the department shall:

- (A) Withhold base funding to the education service cooperative; or
- (B) Take over administration of the education service cooperative.

(e) The department shall promulgate rules necessary for implementing this section.

(f)(1) For each evaluation, the commissioner shall appoint the committee and designate its chairperson.

(2) The committee shall include the following from outside the boundary of the education service cooperative being evaluated:

- (A) A Department of Education staff member;
- (B) A teacher;
- (C) An administrator;
- (D) A college staff member; and
- (E) A present or former staff member of an area education service agency.

(3) In addition, the committee shall include from within the education service cooperative's area:

- (A) A member of the school district board of directors;
- (B) A representative of business and industry; and
- (C) A school parent from each of two (2) school districts.

(4) Each education service cooperative shall pay the reasonable costs of its evaluation.

History. Acts 1985, No. 349, § 19; A.S.A. 1947, § 80-489.18; Acts 2009, No. 376, § 10; 2011, No. 739, § 1.

Amendments. The 2009 amendment, in (c)(2), inserted “state” and “education service,” and made a minor stylistic change.

The 2011 amendment added “Performance rating” in the section head; added

“Each education service cooperative shall be evaluated during the 2012-2013 school year and at least once” at the beginning of (a); added (b)(1)(B) and (b)(2); added (c)(1)(3); added (d)(2) and (3); added (e); and redesignated former (e) as (f).

6-13-1027. Fiscal distress.

(a) As used in this section:

(1) “Fiscal integrity” means the education service cooperative’s ability to comply completely, accurately, and timely with financial management, accounting, auditing, and reporting procedures required by state or federal law and regulations; and

(2) “Material” means that the act, omission, or violation jeopardizes the fiscal integrity of the education service cooperative.

(b) Any education service cooperative that meets one (1) or more of the following criteria may be identified by the Department of Education as being in fiscal distress upon final approval of the State Board of Education:

(1)(A) A declining balance that jeopardizes the fiscal integrity of the education service cooperative.

(B) The department shall not use capital outlay expenditures from the education service cooperative’s balance for facilities to identify the education service cooperative as being in fiscal distress;

(2) A material failure to meet the education service cooperative’s obligation to maintain the education service cooperative’s facilities;

(3) A material violation of local, state, or federal law or regulations relating to:

(A) Fire, health, or safety codes;

(B) Construction codes;

(C) Audit requirements; or

(D) Procurement, bidding, and purchasing requirements;

(4) A material failure to provide timely and accurate legally required financial reports to the department, the Division of Legislative Audit, the General Assembly, or the Internal Revenue Service;

(5) A material failure to maintain sufficient funds to cover payroll, salary, employment benefits, or legal tax obligations;

(6) A material default on any debt obligation;

(7) A material discrepancy between budgeted and actual expenditures; or

(8) Any other fiscal condition of the education service cooperative that the department determines materially impacts the education service cooperative’s delivery of education services.

(c)(1) The department may identify an education service cooperative as being in fiscal distress at any time a fiscal condition of the education service cooperative is discovered to have a detrimental negative impact

on the continuation of educational services provided by the education service cooperative.

(2)(A) If the department identifies an education service cooperative as being in fiscal distress, the department shall notify the education service cooperative in writing of the identification of fiscal distress within ten (10) calendar days.

(B) The department shall identify in the notice each criteria for fiscal distress on which the department based the identification of fiscal distress.

(C) The department shall deliver the notice by certified mail, return receipt requested, and addressed to:

(i) The president of the education service cooperative's board of directors; and

(ii) The director of the education service cooperative employed under § 6-13-1010.

(d) The identification of fiscal distress made by the department under this section may be appealed to the state board under § 6-13-1031 in which case the final order entered upon appeal is the final classification of fiscal distress.

(e) Within two (2) weeks following the date the education service cooperative receives the final classification by the state board of fiscal distress, the education service cooperative shall:

(1) Notify in writing each public school district in its service area that the education service cooperative is classified as being in fiscal distress; and

(2) File with the department a fiscal distress plan under § 6-13-1028.

(f) An education service cooperative that is identified as being in fiscal distress shall not incur any debt without the prior written approval of the department.

(g) The education service cooperative shall include in the annual report to constituent school districts under § 6-13-1020(d) the progress the education service cooperative had made on its fiscal distress plan.

History. Acts 2009, No. 1289, § 4.

6-13-1028. Fiscal distress plan.

(a) An education service cooperative that is classified by the State Board of Education as being in fiscal distress shall file with the Department of Education a fiscal distress plan that:

(1) Addresses each area of fiscal distress identified by the department;

(2) Describes how the education service cooperative will remedy the areas experiencing fiscal distress; and

(3)(A) Establishes the schedule by which the education service cooperative will implement the fiscal distress plan.

(B) The fiscal distress plan implementation schedule shall not exceed two (2) years from the date of the final classification of fiscal distress.

(b) The department shall approve the fiscal distress plan before the education service cooperative implements the fiscal distress plan.

(c) An education service cooperative identified as being in fiscal distress is required to receive on-site technical evaluation and assistance from the department.

History. Acts 2009, No. 1289, § 4.

6-13-1029. Fiscal distress actions.

(a) To address the identified areas of fiscal distress of an education service cooperative, the Department of Education shall:

(1)(A) Conduct an on-site evaluation and make recommendations regarding the staffing and fiscal practices of the education service cooperative.

(B) The recommendations of the department are binding on the education service cooperative;

(2) Every six (6) months during which the education service cooperative is classified as being in fiscal distress, submit to the state board a written evaluation on the fiscal status of the education service cooperative;

(3) Monitor the fiscal operations and accounts of the education service cooperative; and

(4) Require the education service cooperative administrative staff and employees to obtain instruction or training in areas of fiscal concern for the education service cooperative.

(b) The department also may take one (1) or more of the following actions:

(1) Reorganize the administrative unit of the education service cooperative by:

(A)(i) Removing and replacing the director of the education service cooperative employed under § 6-13-1010.

(ii) An individual appointed to replace the director shall administratively operate the education service cooperative under the supervision and approval of the Commissioner of Education.

(iii) The department may compensate nondepartment agents operating the education service cooperative from the education service cooperative's funding; and

(B) Removing, replacing, or reassigning other administrative staff of the education service cooperative; or

(2) Impose reporting requirements on the education service cooperative.

(c) Within two (2) consecutive school years of the State Board of Education's final classification of fiscal distress, the department shall determine whether to recommend that the education service cooperative be removed from fiscal distress status.

History. Acts 2009, No. 1289, § 4.

6-13-1030. Removal from fiscal distress status.

(a) The Department of Education shall certify in writing to the education service cooperative that the education service cooperative may be removed from fiscal distress status when the department determines that the education service cooperative has:

(1) Corrected all of the criteria under § 6-13-1027 that led to the classification of fiscal distress; and

(2) Complied with all department recommendations and requirements for removal from fiscal distress status.

(b)(1) Within thirty (30) days of receiving the department's certification under subsection (a) of this section, an education service cooperative may petition the State Board of Education in writing for removal from fiscal distress.

(2) An education service cooperative may not petition the state board for removal from fiscal distress status before the department makes the certification under subsection (a) of this section.

(c) Within sixty (60) days of receiving the petition for removal from fiscal distress, the state board shall deny the petition or remove the education service cooperative from fiscal distress status.

(d) If an education service cooperative fails to meet the department's requirements for removal from fiscal distress status within two (2) consecutive school years of being classified in fiscal distress, the state board shall:

(1) Reorganize the administrative unit of the education service cooperative under § 6-13-1029; or

(2)(A) Issue a written finding supported by a majority vote of the state board explaining in detail that the education service cooperative could not comply with this section due to impossibility caused by external forces beyond the education service cooperative's control.

(B) The state board shall extend the classification of fiscal distress for one (1) additional year within which time the education service cooperative shall comply with all conditions for removal from fiscal distress status under this section.

(e) Within fifteen (15) days of making a decision under this section, the state board shall notify the education service cooperative of its decision and include with the notice a copy of a written finding issued under subsection (d) of this section.

History. Acts 2009, No. 1289, § 4.

6-13-1031. Appeal.

(a) An education service cooperative may appeal to the State Board of Education the identification of fiscal distress under § 6-13-1027.

(b) The education service cooperative may lodge an appeal by filing a written appeal with the Commissioner of Education by certified mail, return receipt requested, within thirty (30) days of the date the

education service cooperative received notice of the identification of fiscal distress.

(c) The written appeal shall state in clear terms the reason why the education service cooperative should not be classified as being in fiscal distress.

(d) The state board shall hear the appeal within sixty (60) days of receipt of the written notice of appeal.

(e) Notwithstanding any appeal rights in this section, no appeal shall stay the state board's or the Department of Education's authority to take action to enforce the education service cooperative's compliance with financial management, accounting, auditing, and reporting procedures required by state or federal law and regulations.

(f)(1) The decision of the state board on the appeal is a final order.

(2) There is no further right of appeal except to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2009, No. 1289, § 4.

SUBCHAPTER 13 — SITE-BASED DECISION MAKING

SECTION.

6-13-1305. School district policy — Contents.

SECTION.

6-13-1306. School council powers and duties.

6-13-1305. School district policy — Contents.

The policy adopted by the local school district board of directors to implement site-based decision making shall also address the following:

(1) Parent, citizen, and community participation, including the relationship of the school council with other groups;

(2) Cooperation and collaboration within the school district, with other school districts, and with other public and private agencies;

(3) Professional development plans developed pursuant to the state accreditation standards;

(4) School improvement plans, including the form and function of strategic planning and its relationship to school district planning;

(5) School budget and administration, including:

(A) Discretionary funds;

(B) Activity and other school funds;

(C) Funds for maintenance, supplies, and equipment; and

(D) Accounting and auditing;

(6) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;

(7) Requirements for waiver of school district policies;

(8) Requirements for record keeping by the school council;

(9) A process for appealing a decision made by a school council; and

(10) Teacher evaluations, professional learning plans, and teacher support under the Teacher Excellence and Support System, § 6-17-2801 et seq.

History. Acts 1995, No. 1125, § 4; 2011, No. 1209, § 1.

Amendments. The 2011 amendment added (10).

6-13-1306. School council powers and duties.

The school council established under this subchapter may implement policies in the following areas:

- (1) Planning and resolution of issues regarding instructional practices;
- (2) Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal;
- (3) Curriculum, including:
 - (A) Needs assessment;
 - (B) Curriculum development;
 - (C) Alignment with state standards;
 - (D) Technology utilization; and
 - (E) Program appraisal;
- (4) Assignment of all instructional and noninstructional staff time;
- (5) Provision for planning time for instructional staff;
- (6) Assignment of students to classes and programs within the school;
- (7) Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as specified in the personnel policies or negotiated agreements;
- (8) Determination of use of school space during the school day and week; and
- (9) Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision.

History. Acts 1995, No. 1125, § 4; 2009, No. 376, § 11.

redesignated (4) through (8) as (4) through (9) and made a related change; and inserted “day and week” in (7).

Amendments. The 2009 amendment

SUBCHAPTER 14 — CONSOLIDATION, ANNEXATION, AND FORMATION

SECTION.

6-13-1401. Definitions.

6-13-1403. Conditions under which the State Board of Education may annex school districts.

6-13-1404. Conditions under which the State Board of Education may consolidate school districts.

SECTION.

6-13-1405, 6-13-1406. [Repealed.]

6-13-1410. Appeal and election.

6-13-1412, 6-13-1413. [Repealed.]

6-13-1414. Boundary change by State Board of Education.

6-13-1415. Involuntary consolidation or annexation — Effective date — Interim board of directors.

SECTION.

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

SECTION.

6-13-1417. Formation of a permanent board of directors.

6-13-1401. Definitions.

As used in this subchapter:

- (1) "Affected district" means a school district that:
 - (A) Loses territory or students as a result of annexation; or
 - (B) Is involved in a consolidation;
- (2) "Aggrieved district" means the lawfully constituted and existing board of directors of a school district that gains or loses territory or students as a result of an annexation or consolidation;
- (3) "Annexation" means the joining of an affected school district or part thereof with a receiving district;
- (4) "Consolidation" means the joining of two (2) or more affected school districts or parts thereof to create a new single school district;
- (5) "Receiving district" means a school district or districts that receive territory or students, or both, from an affected district as a result of annexation; and
- (6) "Resulting district" means the new school district created from an affected district or districts as a result of consolidation.

History. Acts 2001, No. 1225, § 1; 2011, No. 989, § 5; 2011, No. 1217, § 1.

Amendments. The 2011 amendment by No. 989 subdivided and rewrote former (1); inserted (2) and redesignated the remaining subdivisions accordingly; and deleted former (6).

The 2011 amendment by No. 1217 subdivided and rewrote former (1); inserted (2) and redesignated the remaining subdivisions accordingly.

6-13-1403. Conditions under which the State Board of Education may annex school districts.

(a) The State Board of Education shall consider the annexation of an affected school district or districts to a receiving district or districts under the following conditions:

- (1) The state board, after providing thirty (30) days written notice to the affected school districts, determines that annexation is in the best interest of the affected district or districts and the receiving district based upon failure to meet standards for accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.;
- (2)(A) The affected district or districts file a petition with the state board requesting annexation to a particular receiving district or districts, and a copy of the petition is filed with the county clerk's

office of each county where the affected district or districts are located;

(B) The county clerk's office of each county where the affected district or districts are located certifies in writing that the petition has been signed by a majority of the qualified electors of the affected district or districts; and

(C) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided for in § 6-14-122;

(3)(A) A majority of the qualified electors in the affected district or districts vote to approve the annexation of an affected school district or districts to a receiving district or districts as provided for in § 6-14-122; and

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving district as provided in § 6-14-122; or

(4)(A) The local board of education of the affected district or districts votes to approve by resolution the annexation of the affected district or districts to a receiving district or districts by a majority of the members of the local board of education of the affected district or districts; and

(B) The receiving district or districts provide to the state board written proof of consent to receive the affected district or districts by annexation as evidenced by either a vote to approve annexation by resolution by a majority of the members of the local receiving board of education or by a vote to approve annexation by a majority of the qualified electors of the receiving districts as provided for in § 6-14-122.

(b) The state board may vote to approve, by a majority of a quorum present of the members of the state board, the annexation of the affected districts into a receiving district:

(1) The state board, after providing thirty (30) days written notice to the affected districts, may on its own motion based on a school district's failure to meet standards for accreditation or failure to meet academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) Upon receipt of a valid petition for annexation and after receiving proof from the petitioning party of at least one (1) of the required

conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to annex affected districts into a receiving district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive weeks immediately prior to the time the petition is filed with the state board.

(c)(1) In order for the petition for annexation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to annex a school district or districts upon a motion of the state board as allowed in subsection (b).

(d)(1) Upon determination by the state board to annex a school district or approval of a petition requesting annexation, the state board shall issue an order dissolving the affected districts and establishing the receiving school district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the receiving district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the receiving district or districts.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

(i) County clerk of each county where a receiving district is located;

(ii) Secretary of State; and

(iii) Arkansas Geographic Information Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the receiving district until changes are made according to the provisions of law.

(f) The state board shall not annex affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for annexation:

(1) The annexation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

(2) The annexation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 6.

Amendments. The 2011 amendment subdivided former (e) as (e)(1) through (3);

rewrote (e)(1)(B)(i); inserted (e)(1)(B)(ii) and (iii); and substituted "The boundaries established under this subsection (e)" for "boundaries so established" in (e)(3).

6-13-1404. Conditions under which the State Board of Education may consolidate school districts.

(a) The State Board of Education shall consider the consolidation of affected districts into a new resulting district or districts under the following conditions:

(1) The state board, after providing thirty (30) days written notice to the affected school districts, determines consolidation is in the best interest of the affected district or districts and the resulting district based upon failure to meet standards for accreditation or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2)(A) The affected districts file a petition with the state board requesting that the affected districts be consolidated into a resulting district or districts;

(B) A copy of the petition has been filed with the county clerk's office of each county where the affected districts are located;

(C) The county clerk's office certifies in writing to the state board that the petition has been signed by a majority of the qualified electors of the affected districts;

(D) A majority of the qualified electors in the affected districts votes to approve consolidation of the affected districts into a resulting district or districts pursuant to a valid election as provided in § 6-14-122; and

(E) The local board of directors votes to approve by resolution of a majority of the members of each local board of education the consolidation of the affected districts into a resulting district or districts.

(b) The state board:

(1) After providing thirty (30) days written notice to the affected districts, may consolidate school districts upon its own motion based upon a school district's failure to meet standards for accreditation or academic or fiscal distress requirements pursuant to The Quality Education Act of 2003, § 6-15-201 et seq., the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., and the Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; or

(2) May vote to approve by a majority of a quorum present of the members of the state board the consolidation of the affected districts into a resulting district upon receipt of a valid petition for consolidation after receiving proof from the petitioning party of at least one (1) of the required conditions set forth in subsection (a) of this section and upon receipt of proof of the issuance of public notice of the intent to consolidate affected districts into a resulting district or districts in the local newspapers of general circulation in the affected districts for a time period of no less than one (1) time a week for two (2) consecutive

weeks immediately prior to the time the petition is filed with the state board.

(c)(1) In order for the petition for consolidation to be valid, it shall be filed with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(2) However, no petition is required for the state board to consolidate a school district or districts on a motion of the state board as allowed in subsection (b).

(d)(1) Upon consolidation of a school district by the state board or approval of a petition requesting consolidation, the state board shall issue an order dissolving the affected school districts and establishing the resulting school district or districts.

(2)(A) The state board shall issue an order establishing the boundary lines of the resulting district or districts.

(B) It shall be the duty of the Department of Education to make changes in the maps of the school districts to properly show the boundary lines of the resulting district or districts.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

(i) County clerk of each county where a resulting district is located;

(ii) Secretary of State; and

(iii) Arkansas Geographic Information Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the resulting district until changes are made according to the provisions of law.

(f) The state board shall not consolidate affected districts that are not geographically contiguous unless the following limited conditions are determined to be valid reasons for consolidation:

(1) The consolidation will result in the overall improvement in the educational benefit to students in all the school districts involved; or

(2) The consolidation will provide a significant advantage in transportation costs or service to all the school districts involved.

History. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2011, No. 989, § 7.

Amendments. The 2011 amendment subdivided former (e)(1) as (e)(1) through (e)(1)(B); rewrote (e)(1)(B)(i); inserted

(e)(1)(B)(ii) and (iii); and substituted "The boundaries established under this subsection (e)" for "boundaries so established" in (e)(3).

6-13-1405, 6-13-1406. [Repealed.]

Publisher's Notes. These sections, concerning effective date of annexation or consolidation and board of directors — term — election, were repealed by Acts 2011, No. 1217, § 2. They were derived from the following sources:

6-13-1405. Acts 2001, No. 1225, § 1; 2003, No. 1467, § 19; 2003 (2nd Ex. Sess.), No. 60, § 2.

6-13-1406. Acts 2001, No. 1225, § 1; 2003 (2nd Ex. Sess.), No. 25, § 1.

6-13-1410. Appeal and election.

Notwithstanding any other provision of law, the decision of the State Board of Education regarding a consolidation or annexation shall be final with no further right of appeal except that only an aggrieved district may appeal to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2003, No. 1467, § 21; 2011, No. 989, § 8.

Amendments. The 2011 amendment added “Notwithstanding any other provi-

sion of law” at the beginning and substituted “only an aggrieved district may appeal” for “an aggrieved school district may appeal.”

6-13-1412, 6-13-1413. [Repealed.]

Publisher’s Notes. These sections, concerning board of directors after annexation — term — election and board of directors after consolidation — term — election, were repealed by Acts 2011, No.

1217, § 3. They were derived from the following sources:

6-13-1412. Acts 2005, No. 274, § 1.

6-13-1413. Acts 2005, No. 274, § 2.

6-13-1414. Boundary change by State Board of Education.

(a)(1) The State Board of Education shall consider a petition from a local board of directors of any school district seeking an adjustment or change of boundary lines between its school district and an adjoining school district.

(2) The local board of directors must file the petition with the state board at least thirty (30) days prior to the next regularly scheduled state board meeting, at which time the petition will be presented for hearing before the state board.

(b) Upon proof to the state board of public notice issued in the local newspapers of general circulation in each affected school district no less than one (1) time a week for two (2) consecutive weeks, the state board may, by approval of a majority of the members of a quorum present of the state board, issue an order changing or adjusting the boundary lines between the adjoining school districts.

(c) If the local board of directors of each of the affected school districts is unable to agree on the proposed change in boundary lines, the state board shall adjust and change the boundary lines in accordance with its best judgment subject to the requirement of subsection (f) of this section or shall rule that the boundaries remain unchanged.

(d) Upon an order from the state board to change or adjust boundary lines, it shall be the duty of the Department of Education to immediately make changes in the maps of the school districts of the county to show the changes of boundaries.

(e)(1) The state board shall:

(A) Issue an order establishing the changed boundaries; and

(B) File the order with the:

(i) County clerk in each county in which every affected school district lies;

(ii) Secretary of State; and

(iii) Arkansas Geographic Information Office.

(2) The county clerk shall make a permanent record of the order.

(3) The boundaries established under this subsection shall be the boundaries of the affected school districts until changes are made according to the provisions of law.

(f) The state board shall not order any change in school district boundaries which hampers, delays, or in any manner negatively affects the desegregation efforts of the public school districts in the State of Arkansas.

History. Acts 2001, No. 1037, § 1; 2011, No. 989, § 9.

rewrote (e)(1); and substituted "The boundaries established under this subsection (e)" for "boundaries so established" in (e)(3).

Amendments. The 2011 amendment subdivided former (e) as (e)(1) through (3);

6-13-1415. Involuntary consolidation or annexation — Effective date — Interim board of directors.

(a) This section applies to the involuntary consolidation or involuntary annexation of a school district made by a motion of the State Board of Education.

(b) The effective date of an involuntary consolidation or involuntary annexation of a school district shall be the July 1 after the state board action unless determined otherwise by the state board.

(c) The state board shall establish the terms and conditions of the involuntary consolidation or involuntary annexation that shall govern the affected districts, resulting districts, and receiving districts.

(d)(1) If the state board determines that a new permanent board of directors is necessary, the state board shall prescribe:

(A) The number of members for the new permanent board of directors of the resulting district or receiving district;

(B) The manner of formation of the new permanent board of directors of the resulting district or receiving district under § 6-13-1417; and

(C)(i) Whether the new permanent board of directors will be elected at the first or second school election after the effective date of consolidation or annexation.

(ii) The election for the new permanent school board of directors may take place during the second school election after the effective date of consolidation or annexation only if the state board determines that additional time is required to implement single-member zoned elections.

(2) If the state board determines that an interim board of directors is necessary, the state board shall prescribe:

(A) The number of members for the interim board of directors of the resulting district or receiving district;

(B) The terms of the members of the interim board of directors of the resulting district or receiving district; and

(C)(i) The manner of formation of the interim board of directors of the resulting district or receiving district.

(ii) The state board may:

(a) Allow the affected districts and receiving districts thirty (30) days to establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;

(b) Appoint an interim board of directors to govern the resulting or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation; or

(c) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board to govern the resulting district or receiving district.

(3) The state board may determine that an interim board of directors is not necessary and may order the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.

(e)(1) An interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (d)(1)(C) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the state board may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

(2) If the state board allows the local school districts time to establish an interim board of directors, the board of directors of each affected district before the consolidation or each affected district and receiving district before the annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors, subject to approval by the state board, by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) An interim board of directors shall be established by May 31 of the year preceding the effective date of administrative consolidation or administrative annexation under § 6-13-1603 if the state board determines that an interim board of directors is necessary.

(f)(1) A consolidation or annexation order adopted by the state board shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(2) A consolidation or annexation order shall include a map of the boundaries of the resulting district or receiving district.

(3) A consolidation or annexation order filed with the Secretary of State and the Arkansas Geographic Information Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Office.

(g) The state board may promulgate rules necessary to administer this subchapter.

History. Acts 2011, No. 1217, § 4.

6-13-1416. Voluntary consolidation or annexation — Effective date — Interim board of directors.

(a) This section applies to any petition for consolidation or annexation of a school district submitted to the State Board of Education by a school district.

(b) The effective date of a petition for consolidation or annexation of a school district shall be the July 1 after the state board approves the consolidation or annexation petition unless the state board approves an alternative effective date or determines otherwise.

(c)(1) Each board of directors of an affected district and receiving district shall enter into a written agreement approved by the quorum of the members of each board of directors present and executed by the president and secretary of each school board of directors.

(2) The written agreement may prescribe the effective date of the annexation of the affected district to the receiving district or the effective date of the formation of the resulting district from consolidation of affected districts, subject to approval by the state board.

(3)(A) The written agreement may prescribe the number of members of the permanent board of directors of the resulting district or receiving district and the manner of formation of the permanent board of directors of the resulting district or receiving district under § 6-13-1417 or as allowed by law.

(B)(i) If the written agreement prescribes the formation of a new permanent board of directors, the written agreement shall specify whether the new permanent board of directors will be elected at the

first or second school election after the effective date of consolidation or annexation.

(ii) The election of a new permanent board of directors may take place during the second school election after the effective date of consolidation or annexation only if additional time is necessary to implement single-member zoned elections.

(d) The written agreement may prescribe for the formation of an interim board of directors, including the number of members, the length of member terms, and the manner of formation as follows:

(1) Establish an interim board of directors to govern the resulting district or receiving district that consists of either five (5) or seven (7) members selected from the boards of directors from the affected districts and receiving districts based on the proportion of the student population of each of the affected districts and receiving districts before consolidation or annexation;

(2) Designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation as the interim board of directors; or

(3) Determine that an interim board of directors is not necessary and may designate the existing board of directors of one (1) affected district in a consolidation or the existing board of directors of the receiving district in an annexation to remain as the permanent school board of directors.

(e)(1) If the written agreement prescribes the formation of an interim board of directors, the interim board of directors shall serve until the first school election after the effective date of consolidation or annexation unless:

(A) Any members of the permanent board of directors of the resulting district or receiving district are elected from single-member zones, then the interim board of directors may serve until the second school election after the effective date of consolidation or annexation under subdivision (c)(3)(B) of this section; or

(B) All the members of the permanent board of directors of the resulting district or receiving district are elected at-large, then the state board may stagger the terms of the interim board of directors, which shall be determined by lot so that no more than two (2) members' terms expire during any one (1) year.

(2) If the written agreement prescribes formation of an interim board of directors, the board of directors of the affected district before the consolidation or the affected district and receiving district before annexation may determine independently how to select members of the existing board of directors to serve on the interim board of directors by:

(A) The voluntary resignation of one (1) or more members of the existing board of directors;

(B) Selecting one (1) or more members of the existing board of directors by a majority vote of the school board; or

(C) Selecting one (1) or more members of the existing board of directors by a random lot drawing.

(3) If the written agreement in an administrative consolidation or an administrative annexation under § 6-13-1603 requires the formation of an interim board of directors, the interim board of directors shall be established by May 31 preceding the effective date of the administrative consolidation or administrative annexation.

(f)(1) An executed copy of the written agreement shall be attached to the petition for consolidation or annexation submitted to the state board.

(2) If the written agreement is approved by the state board, the terms of the written agreement shall be binding upon the affected districts, receiving districts, and resulting districts, including the interim and permanent school boards of directors.

(3) A written agreement under this section shall not be effective without approval from the state board.

(g)(1) A consolidation or annexation petition approved by the state board along with an executed copy of the written agreement shall be filed with the:

(A) County clerk of each county that contains school district territory of each affected district, receiving district, or resulting district;

(B) Secretary of State; and

(C) Arkansas Geographic Information Office.

(2) An approved consolidation or annexation petition shall include a map of the boundaries of the resulting district or receiving district.

(3) An approved consolidation or annexation petition filed with the Secretary of State and the Arkansas Geographic Information Office shall include a digital map showing the boundaries of the resulting district or receiving district in a format prescribed by the Arkansas Geographic Information Office.

History. Acts 2011, No. 1217, § 4.

6-13-1417. Formation of a permanent board of directors.

(a)(1) A permanent board of directors shall have either five (5) or seven (7) members unless the school district is allowed to have nine (9) members under § 6-13-604.

(2) The length of the terms of the board of directors may be for the time period prescribed by law and:

(A) Prescribed in the written agreement under § 6-13-1416; or

(B) Determined by the permanent board of directors.

(3) At the first meeting of the permanent board of directors, the members shall determine the terms of the board of directors by lot so that not more than two (2) members' terms expire during any one (1) year.

(4) A vacancy on the board of directors shall be filled as prescribed by law.

(b)(1) If single-member election zones are not necessary to comply with the Voting Rights Act of 1965 or with any other federal or state law,

any or all of the members of the permanent board of directors may be elected at large.

(2) A minimum of five (5) members of a permanent board of directors shall be elected from single-member election zones if one (1) or more of the following applies:

(A) Single-member election zones are required to comply with the Voting Rights Act of 1965 or other federal law;

(B) The resulting district or receiving district after consolidation or annexation is required to be zoned under § 6-13-631 or other state law; or

(C) The boards of directors of the affected districts before consolidation or the boards of directors of the affected districts and receiving districts before annexation agree that the permanent board of directors shall be elected from single-member election zones.

(3) If single-member election zones are necessary to comply with the Voting Rights Act of 1965, other federal law, or state law, the resulting district or receiving district shall:

(A) Review the demographic makeup and boundaries of the zones based on the latest decennial census data of the resulting district or receiving district after consolidation or annexation and rezone the resulting district or receiving district as necessary to comply with the Voting Rights Act of 1965, other federal law, or state law;

(B) Complete the election rezoning no later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation; and

(C) File a digital map detailing the election zone boundaries of the resulting district or receiving district with the Secretary of State and the Arkansas Geographic Information Office in a format prescribed by the Arkansas Geographic Information Office no later than one hundred twenty (120) calendar days before the second school election following the effective date of the consolidation or annexation.

History. Acts 2011, No. 1217, § 4.

SUBCHAPTER 16 — PUBLIC EDUCATION REORGANIZATION ACT

SECTION.	SECTION.
6-13-1602. Administrative consolidation list.	6-13-1608. Audit required.
6-13-1603. Administrative reorganization.	6-13-1609. Preservation of historical school artifacts.
6-13-1606. Development of plan to track student progress.	6-13-1611. Reports.

6-13-1602. Administrative consolidation list.

By January 1 of each year, the Department of Education shall publish a:

- (1) List of all school districts with fewer than three hundred fifty (350) students according to the school district average daily member-

ship in the school year immediately preceding the current school year; and

(2) Consolidation list that includes all school districts with fewer than three hundred fifty (350) students according to the school district average daily membership in each of the two (2) school years immediately preceding the current school year.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 2151, § 22; 2011, No. 989, § 10.

subdivided the former section; and substituted "by January 1 of each year" for "By February 1, 2004, and each January 1 thereafter" in the introductory language.

Amendments. The 2011 amendment

6-13-1603. Administrative reorganization.

(a)(1) Any school district included in the Department of Education's consolidation list under § 6-13-1602 may voluntarily agree to administratively consolidate with or be annexed to another school district or districts in accordance with the requirements and limitations of this section.

(2)(A) Any school district on the consolidation list choosing to voluntarily administratively consolidate or annex shall submit a petition for approval to the State Board of Education by March 1 immediately following publication of the list and shall set forth the terms of the administrative consolidation or annexation agreement in the petition.

(B) If the petition is approved by the state board, the administrative consolidation or annexation shall be completed by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(3) Any school district on the consolidation list that does not submit a petition under subdivision (a)(2)(A) of this section or that does not receive approval by the state board for a voluntary consolidation or annexation petition shall be administratively consolidated by the state board with or into one (1) or more school districts by May 1, to be effective July 1 immediately following the publication of the list required under § 6-13-1602.

(4) The state board shall promptly consider petitions or move on its own motion to administratively consolidate a school district on the consolidation list in order to enable the affected school districts to reasonably accomplish any resulting administrative consolidation or annexation by July 1 immediately following the publication of the list required under § 6-13-1602.

(5) The state board shall not deny the petition for voluntary administrative consolidation or annexation of any two (2) or more school districts unless:

(A) The provisions contained in the articles of administrative consolidation or annexation would violate state or federal law; or

(B) The voluntary consolidation or annexation would not contribute to the betterment of the education of students in the school district.

(b) Any school district required to be administratively consolidated under this subchapter shall be administratively consolidated in such a manner as to create a resulting district with an average daily membership meeting or exceeding three hundred fifty (350).

(c) All administrative consolidations or annexations under this section shall be accomplished so as not to create a school district that hampers, delays, or in any manner negatively affects the desegregation of another school district in this state.

(d) In the administratively consolidated or annexed school districts created under this subchapter, the ad valorem tax rate shall be determined as set forth under § 6-13-1409.

(e) Nothing in this section shall be construed to require the closing of any school or school facility.

(f) No administratively consolidated or annexed school district shall have more than one (1) superintendent.

(g) Any school district not designated as being in academic or fiscal distress for the current school year and previous two (2) school years that administratively receives by consolidation or annexation a school district designated by the state board as being in academic or fiscal distress at the time of consolidation or annexation shall not be subject to academic or fiscal distress sanctions for a period of three (3) years from the effective date of consolidation unless:

(1) The school district fails to meet minimum teacher salary requirements; or

(2) The school district fails to comply with the Standards for Accreditation of Arkansas Public Schools and School Districts issued by the department.

(h) Noncontiguous school districts may voluntarily consolidate if the facilities and physical plant of each school district:

(1) Are within the same county, and the state board approves the administrative consolidation; or

(2) Are not within the same county, and the state board approves the administrative consolidation or administrative annexation and finds that:

(A) The administrative consolidation or administrative annexation will result in the overall improvement in the educational benefit to students in all of the school districts involved; or

(B) The administrative consolidation or administrative annexation will provide a significant advantage in transportation costs or service to all of the school districts involved.

(i) Contiguous school districts may administratively consolidate even if they are not in the same county.

(j) The state board shall promulgate rules to facilitate the administration of this subchapter.

(k) The provisions of §§ 6-13-1415 — 6-13-1417 shall govern the board of directors of each resulting district or receiving district created under this subchapter.

History. Acts 2003 (2nd Ex. Sess.), No. 60, § 3; 2005, No. 1397, § 1; 2005, No. 1962, § 9; 2005, No. 2151, § 23; 2011, No. 1217, § 5.

Amendments. The 2011 amendment substituted “§ 6-13-1415 — 6-13-1417” for “§ 6-13-1406” in (k).

6-13-1606. Development of plan to track student progress.

(a) Following the administrative consolidation or administrative annexation under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 1, 2004, each receiving district or resulting district and the Department of Education shall develop a plan to track the educational progress of all students from the affected district and the following subgroups of those students:

(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;

(2) Economically disadvantaged students;

(3) Students from major racial and ethnic groups; and

(4) Specific population groups as identified by the State Board of Education, the department, the affected district, or the receiving district as target groups for closing the achievement gaps.

(b) The receiving or resulting district shall obtain and retain all student records from the affected district for the five (5) years immediately preceding the administrative consolidation or administrative annexation, specifically including, but not limited to:

(1) Individual student records;

(2) Attendance records;

(3) Enrollment records;

(4) Assessment records for assessments required under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq., specifically including benchmark assessments and end-of-course assessments; and

(5) American College Test and Standardized Aptitude Test results and records.

(c) The school district shall report to the department information determined by the department as necessary to track the educational progress of all students from the affected district as a subgroup and the following subgroups of those transferred students:

(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;

(2) Economically disadvantaged students; and

(3) Students from major racial and ethnic groups.

(d) By November 1, 2005, and by November 1 each year thereafter, the department shall file a written report with the Governor, the chair of the House Interim Committee on Education, the chair of the Senate Interim Committee on Education, and the secretary of the Legislative Council assessing the educational progress of all students from the

affected district as a subgroup and the following subgroups of those transferred students:

(1) Students who have been placed at risk of academic failure as required under § 6-15-1602;

(2) Economically disadvantaged students; and

(3) Students from major racial and ethnic groups.

History. Acts 2005, No. 1198, § 1;
2009, No. 376, § 12.

Amendments. The 2009 amendment
made minor stylistic changes in (a).

6-13-1608. Audit required.

(a) The Division of Legislative Audit shall conduct a comprehensive financial review of all the school district's financial matters for any school that is involved in administrative consolidation or administrative annexation or is otherwise reorganized by the State Board of Education.

(b) The comprehensive financial review shall begin no less than ten (10) days after the earliest of:

(1) The publication of the district's name on the consolidation and annexation list under § 6-13-1602;

(2) The filing of a petition for voluntary administrative consolidation or administrative annexation; or

(3) The adoption of a motion by the state board to consolidate, annex, or otherwise reorganize a school district designated as being in academic or fiscal distress.

(c)(1) Beginning on the date of publication of the consolidation list under § 6-13-1602 each year, the Department of Education shall have authority to oversee all fiscal and accounting-related matters of all school districts on the consolidation list and shall require those school districts to have accurate records necessary to close all books within sixty (60) days after the end of the fiscal year.

(2) No contract or other debt obligation incurred by a school district for which the department has oversight authority under this section shall be valid or enforceable against a resulting school district unless the contract or other debt obligation is preapproved in writing by the Commissioner of Education or his or her designee.

(d) Any school that is involved in an administrative consolidation or administrative annexation shall have an audit started within thirty (30) days of the completion of the closing of the books by the school district.

(e) The department and the division shall jointly develop the scope and details of the comprehensive fiscal review consistent with the requirements of this section.

(f) A school district may not incur debt without the prior written approval of the department if the school district is identified by the department under § 6-13-1602(1) as having fewer than three hundred fifty (350) students according to the school district average daily membership in the school year immediately preceding the current school year.

History. Acts 2005, No. 1236, § 1; **Amendments.** The 2011 amendment 2011, No. 989, § 11. added (f).

6-13-1609. Preservation of historical school artifacts.

Following the administrative consolidations or administrative annexations under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] effective before December 1, 2004, and before any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district after December 31, 2004, a receiving district or resulting district shall obtain, retain, preserve, and, as appropriate, display historical artifacts of the affected district in the same manner as if the historical artifacts were those of the receiving district or resulting district.

History. Acts 2005, No. 2229, § 1; **Amendments.** The 2009 amendment 2007, No. 1594, § 1; 2009, No. 376, § 13. made minor stylistic changes.

6-13-1611. Reports.

(a) By October 1 of each year, the resulting district or receiving district of any school district that was administratively consolidated or administratively annexed under §§ 6-13-1601 — 6-13-1603, 6-13-1604 [repealed], and 6-13-1605 [repealed] shall file a written report with the House Interim Committee on Education, the Senate Interim Committee on Education, and the Department of Education indicating:

(1) What efforts were made and the results of those efforts for inclusion of parents from the affected district in the receiving district's or the resulting district's activities, including without limitation:

- (A) Parent-teacher associations;
- (B) Booster clubs; and
- (C) Parent involvement committees;

(2) The number and percentage of students from the affected districts participating in an extracurricular activity, itemized by each extracurricular activity offered by the school district and, for each activity, which school district the student attended before reorganization; and

(3) The employment status of each administrator by name, gender, and race before the administrative annexation or administrative consolidation, which school employed the administrator before administrative consolidation, and his or her employment status in the receiving district or the resulting district.

(b) The department shall develop or approve a survey to be used by the resulting or receiving districts to capture perceptual data from parents and students regarding their opinions on:

(1) Opportunities for inclusion or participation in the resulting or receiving district; and

(2) The efforts, if any, that were made to include parents from the affected district in the receiving or resulting district's activities, includ-

ing, but not limited to, parent-teacher associations, booster clubs, and parent involvement committees.

History. Acts 2005, No. 2321, § 1; 2009, No. 376, § 14.

Amendments. The 2009 amendment substituted "October 1 of each year" for

"October 1, 2005, and by October 1 of each year thereafter" in (a); redesignated (a)(1); and made minor stylistic changes.

CHAPTER 14

SCHOOL ELECTIONS

SECTION.

6-14-102. Annual school election date — Special school election.

6-14-106. Polling places — Qualifications and appointment of election commissioners and poll workers.

6-14-111. Ballots — Write-in candidates.

SECTION.

[Effective until October 2, 2011.]

6-14-111. Ballots — Write-in candidates. [Effective October 2, 2011.]

6-14-118. Expenses.

6-14-122. Consolidation, annexation, or merger of school districts.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the

Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1480, § 117: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act makes various revisions to Arkansas election laws that are designed to improve the administration of elections and special elections and that these revisions should be implemented as soon as possible so that the citizens of this state may benefit from improved election procedures. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2011, No. 1185, § 21: Oct. 2, 2011.

6-14-102. Annual school election date — Special school election.

(a)(1) The annual school election shall be held in each school district of the state on the third Tuesday in September.

(2) The annual school election shall only concern issues authorized to be on the ballot by the Arkansas Constitution or by statute, and no other issues shall appear on the ballot.

(b) The board of directors of any school district shall have the authority to hold a school election concerning the tax rate or debt issues on a date other than that fixed by law provided that:

(1) All constitutional and statutory requirements for the annual school election are met, notwithstanding subdivision (a)(1) of this section;

(2) The election is held before the date of the annual school election; and

(3) The Commissioner of Education approves the date of the election.

(c)(1) In any election year, if no more than one (1) candidate for any school district director position presents a petition or notice as required by § 6-14-111 and if there are no other ballot issues to be submitted to school district electors for consideration, with the exception of the local tax rate if that rate is not being changed or restructured, the board of directors of any school district, by resolution, may request the county board of election commissioners to reduce the number of polling places or to open no polling places on election day so that the election can be conducted by absentee ballot and early voting only.

(2)(A) If requested by proper resolution adopted by the board of directors of any school district, the county board of election commissioners may provide that no polling places be open on election day so that the election can be conducted by absentee ballot and early voting only.

(B) In a county that uses voting machines or electronic vote tabulating devices, the county board of election commissioners may choose to use paper ballots counted by hand and may provide that no voting machines shall be used in the election, notwithstanding any other provision in the Arkansas Code.

History. Acts 1959, No. 248, § 1; 1963, No. 121, § 1; 1967, No. 171, § 1; A.S.A. 1947, § 80-301; Acts 1987, No. 969, § 1; 1988 (3rd Ex. Sess.), No. 4, § 1; 1988, (3rd Ex. Sess.), No. 11, § 1; 1993, No. 181, § 1; 1993, No. 294, § 8; 1994 (1st Ex. Sess.), No. 1, § 6; 1995, No. 1131, § 1; 1995, No. 1281, § 1; 1997, No. 545, § 1; 1997, No. 1120, § 1; 1999, No. 1078, § 49; 1999, No. 1196, § 1; 2003, No. 1295, § 1; 2003, No. 1441, § 3; 2005, No. 1174, § 1; 2005, No. 2145, § 3; 2005, No. 2233, § 1; 2007, No. 1049, § 4; 2009, No. 959, § 46; 2009, No. 1469, § 2.

Amendments. The 2009 amendment by No. 959 deleted “in writing to the county board of election commissioners”

following “notice” in (c)(1); deleted (c)(2)(B) and (c)(2)(C) and redesignated the remaining subdivisions as (c)(2)(A) and (c)(2)(B); inserted “proper” in (c)(2)(A); and substituted “and may provide that no voting machines shall be used in the election, notwithstanding any other provision in the Arkansas Code” for “in combination with voting machines equipped for use by individuals with disabilities” in (c)(2)(B); and made a related change.

The 2009 amendment by No. 1469, in (c)(1), inserted “any” following “candidate for” and “position” preceding “presents a petition.”

6-14-106. Polling places — Qualifications and appointment of election commissioners and poll workers.

(a)(1) The county board of election commissioners of each county shall designate all the polling sites for each school district in its respective county, including districts having territory in more than one (1) county but which are domiciled in its county for administrative purposes, and shall provide the election supplies and appoint the poll workers for holding all school elections.

(2) The county board shall consult with each school district regarding:

(A) The number of polling sites to designate for each school district; and

(B) The location of the polling sites.

(3) Polling sites for school elections shall be established by a majority vote of the members of the county board of election commissioners present.

(4)(A) The polling sites for each school election shall be the same as those established for the immediately preceding school election unless changed by order of the county board of election commissioners.

(B) Each polling site for a school district's annual school election shall be located within the school district.

(b) If a school district has territory in more than one (1) county, the county board of election commissioners of the county in which the school district is domiciled shall designate in a contested school election one (1) or more polling sites in each county:

(1) In which the school district has territory;

(2) In which school district territory contains a city of the second class or larger; and

(3) That has registered electors.

(c) The county board of election commissioners shall take appropriate action to assure that the necessary precinct registration files are delivered to each polling site in order that the electors in each county may vote in the school election.

(d) The board of directors of each school district shall cause to be published, by at least one (1) insertion in a newspaper with general circulation in the county or counties in which the school district is located, not more than ten (10) days nor less than three (3) days before any school election, a notice identifying the polling site for each ward or precinct. If the polling site for any ward or precinct has changed since the last school election, the notice shall indicate the change.

(e)(1) In addition to any other qualification under Arkansas law regarding members of the county board of election commissioners, a member of the county board of election commissioners who is a paid employee of any school district holding the election in the county shall be disqualified from participating as a member of the county board of election commissioners in any matter concerning the school election.

(2) In the event of a disqualification under subdivision (e)(1) of this section, the disqualified member shall notify the chair of the county committee of the affected party of the disqualification no later than sixty (60) days before the school election, or if the disqualified member is the county chair, the notice shall be provided to the chair of the state committee of the affected party.

(3) The chair of the county committee of the party affected by disqualification of a member of the county board of election commissioners shall appoint a qualified person to replace the disqualified member for the school election, or if the disqualified member is the county chair, the state chair of the affected party shall appoint a qualified person to replace the disqualified member for the school election.

(f)(1) The county board of election commissioners of the domicile county shall appoint one (1) election judge and one (1) election sheriff for each polling site and as many additional election clerks as are necessary for the efficient administration of elections at each polling site.

(2) In addition to any other qualification under Arkansas law regarding poll workers, a poll worker at a school election shall not be a paid employee of the school district holding the election.

History. Acts 1951, No. 403, § 1; 1979, No. 117, § 1; 1979, No. 829, § 1; A.S.A. 1947, §§ 80-318, 80-319.1; Acts 1997, No. 443, § 1; 2005, No. 1174, § 3; 2009, No. 292, § 1; 2009, No. 1294, § 1; 2009, No. 1480, § 3.

Amendments. The 2009 amendment by No. 292 inserted (a)(2) and (a)(3).

The 2009 amendment by No. 1294 rewrote (b) and (c).

The 2009 amendment by No. 1480 rewrote the section heading; substituted "poll workers" for "election officials" in (a)(1); rewrote (a)(3); inserted (a)(4); inserted "school" in the last sentence in (d); and added (e) and (f)

6-14-111. Ballots — Write-in candidates. [Effective until October 2, 2011.]

(a)(1) All candidate filings pursuant to this subchapter shall be with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) All actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the school district is domiciled for administrative purposes.

(b) The county board of election commissioners shall prepare and furnish ballots and all other necessary supplies for the annual school election.

(c) A candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and either:

(1) A petition; or

(2) A notice of write-in candidacy.

(d)(1) The petition shall be directed to the county clerk and shall contain the names of at least twenty (20) registered voters who are residents of the school district and, if applicable, the electoral zone for the position.

(2) The petition shall:

(A) State the name and title of the candidate that the candidate proposes to appear on the ballot; and

(B) Identify the position sought, including without limitation the position number or other identifying information if applicable.

(e) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the clerk during a one-week period ending at 12:00 noon sixty (60) days before the annual school election.

(f)(1) Candidates may begin circulating petitions not earlier than ninety (90) days before the annual school election.

(2) A signature dated more than ninety (90) days before the school election shall not be counted by the clerk as a valid signature.

(g) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk during a one-week period ending at 12:00 noon fifty-five (55) days before the annual school election:

(1) A written notice of his or her intention to be a write-in candidate identifying the position sought, including without limitation the position number or other identifying information if applicable;

(2) An affidavit of eligibility; and

(3) The political practices pledge.

(h) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(i)(1) On the day after the deadline for candidates to file for a position on the board of directors by petition, the county clerk shall certify to the board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by petition.

(2) Immediately after the close of the write-in filing period, the county clerk shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the clerk.

(j) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than fifty-five (55) days before the annual school election.

(k) When a candidate has identified the position sought on the petition or notice of write-in candidacy, the candidate shall not be allowed to change the position on that petition or notice of write-in

candidacy but may withdraw a petition or notice of write-in candidacy and file a new petition or notice of write-in candidacy designating a different position before the deadline for filing.

History. Acts 1969, No. 70, § 1; A.S.A. 1947, § 80-308; Acts 1991, No. 294, § 1; 1997, No. 443, § 2; 1999, No. 1078, § 51; 2001, No. 994, § 1; 2003, No. 1473, § 4; 2005, No. 1174, § 5; 2007, No. 1049, § 5; 2009, No. 1480, § 4.

effective October 2, 2011, see the following version.

Amendments. The 2009 amendment rewrote (c), (d), (g), and (i)(2); inserted "affidavit of eligibility" in (e); inserted "and affidavits of eligibility" in (h); and added (k).

Publisher's Notes. For text of section

6-14-111. Ballots — Write-in candidates. [Effective October 2, 2011.]

(a)(1) All candidate filings pursuant to this subchapter shall be with the county clerk of the county in which the school district is domiciled for administrative purposes.

(2) All actions required of county boards of election commissioners shall be performed by the county board of election commissioners of the county in which the school district is domiciled for administrative purposes.

(b) The county board of election commissioners shall prepare and furnish ballots and all other necessary supplies for the annual school election.

(c) A candidate for a position on the board of directors of a school district may qualify for the ballot by filing a political practices pledge, an affidavit of eligibility, and either:

- (1) A petition; or
- (2) A notice of write-in candidacy.

(d)(1) The petition shall be directed to the county clerk and shall contain the names of at least twenty (20) registered voters who are residents of the school district and, if applicable, the electoral zone for the position.

(2) The petition shall:

(A) State the name and title of the candidate that the candidate proposes to appear on the ballot; and

(B) Identify the position sought, including without limitation the position number or other identifying information if applicable.

(e) The petition, affidavit of eligibility, and the candidate's political practices pledge shall be filed with the clerk during a one-week period ending at 12:00 noon seventy (70) days before the annual school election.

(f)(1) Candidates may begin circulating petitions not earlier than one hundred (100) days before the annual school election.

(2) A signature dated more than one hundred (100) days before the school election shall not be counted by the clerk as a valid signature.

(g) Votes for a write-in candidate for school district director shall not be counted or tabulated unless the candidate files with the county clerk

during a one-week period ending at 12:00 noon seventy (70) days before the annual school election:

(1) A written notice of his or her intention to be a write-in candidate identifying the position sought, including without limitation the position number or other identifying information if applicable;

(2) An affidavit of eligibility; and

(3) The political practices pledge.

(h) The county board of election commissioners shall place on the ballot as candidates for school district director the names of any qualified registered voters whose political practices pledges and affidavits of eligibility have been filed and whose petitions have been filed with and verified by the county clerk of the county in which the school district is domiciled for administrative purposes.

(i)(1) On the day after the deadline for candidates to file for a position on the board of directors by petition, the county clerk shall certify to the board of election commissioners the names of those candidates who are registered voters in the school district and the electoral zone, if applicable, and who have qualified for the ballot by petition.

(2) Immediately after the close of the write-in filing period, the county clerk shall certify to the county board of election commissioners any write-in candidates who have filed the affidavit of eligibility, the notice of write-in candidacy, and the political practices pledge with the clerk.

(j) The order in which the names of the respective candidates are to appear on the ballot shall be determined by lot at the public meeting of the county board of election commissioners held not later than sixty-seven (67) days before the annual school election.

(k) When a candidate has identified the position sought on the petition or notice of write-in candidacy, the candidate shall not be allowed to change the position on that petition or notice of write-in candidacy but may withdraw a petition or notice of write-in candidacy and file a new petition or notice of write-in candidacy designating a different position before the deadline for filing.

History. Acts 1969, No. 70, § 1; A.S.A. 1947, § 80-308; Acts 1991, No. 294, § 1; 1997, No. 443, § 2; 1999, No. 1078, § 51; 2001, No. 994, § 1; 2003, No. 1473, § 4; 2005, No. 1174, § 5; 2007, No. 1049, § 5; 2009, No. 1480, § 4; 2011, No. 1185, § 1.

Publisher's Notes. For text of section effective until October 2, 2011, see the preceding version.

Amendments. The 2011 amendment

substituted "seventy (70)" for "sixty (60)" in (e); substituted "one hundred (100)" for "ninety (90)" in (f)(1) and (f)(2); substituted "seventy (70)" for "fifty-five (55)" in the introductory language of (g); and substituted "sixty-seven (67)" for "fifty-five (55)" in (j).

Effective Dates. Acts 2011, No. 1185, § 21: Oct. 2, 2011.

6-14-116. Contest of election.**CASE NOTES****Applicability.**

School district residents attempted to state a cause of action in illegal exaction, Ark. Const., Art. 16, § 13, and the circuit court erred in finding that they alleged a cause of action contesting the school dis-

trict election, under this section; the circuit court had to determine whether the residents had stated a cause of action in illegal exaction on remand. *Dollarway Patrons for Better Sch. v. Dollarway Sch. Dist.*, 374 Ark. 92, 286 S.W.3d 123 (2008).

6-14-118. Expenses.

(a)(1) In school elections, the school districts in the county shall reimburse the county for the cost of the election less expenses incurred for election officials at individual polling places, with each school district's share of the total being determined by multiplying the total cost of the election by a fraction, the numerator of which is the number of votes cast in the specific school election and the denominator of which is the total number of votes cast in the entire election.

(2) Expenses incurred for election officials at individual polling places shall be paid by the school district in which the polling place is located.

(b) At all annual or special elections, the board of directors of each school district shall pay the expenses of the election out of the school fund.

History. Acts 1931, No. 169, § 85; Pope's Dig., § 11519; A.S.A. 1947, § 80-315; Acts 1987, No. 248, § 13; 1993, No. 978, § 1; 2007, No. 1200, § 1; 2009, No. 292, § 2.

Amendments. The 2009 amendment inserted (a)(2); and inserted "less expenses incurred for election officials at individual polling places" in (a)(1).

CASE NOTES**Officer's Pay.**

School district was not required to reimburse a county for overtime pay provided by the county to the county clerk for work related to a school district election because the clerk was not entitled to overtime pay, since (1) a contract to pay an officer more or less compensation than that fixed by law was contrary to public policy and void; (2) although § 14-14-1204 (2007) provided ranges for the salaries of elected county officers such as the clerk, it still instructed that, pursuant to those

ranges, the annual salaries were to be fixed by ordinance; and (3) overtime pay to the county clerk was not an appropriate election expense pursuant to this section, as given the history of this statute, it was clear that the legislature did not anticipate overtime pay of elected county officials when it created a law requiring school districts to pay for election expenses. *Helena-West Helena Sch. Dist. v. Fluker*, 371 Ark. 574, 268 S.W.3d 879 (2007).

6-14-119. Compensation of election officials.**CASE NOTES**

Cited: Helena-West Helena Sch. Dist.
v. Fluker, 371 Ark. 574, 268 S.W.3d 879
(2007).

6-14-122. Consolidation, annexation, or merger of school districts.

(a) The consideration of the question of the consolidation or annexation of two (2) or more school districts, or parts thereof, in their entireties, kindergarten through twelfth grade (K-12), may be made at the annual school election with the issue of combining the school districts and the levying of a specified tax millage to support the new school district placed on the ballot as a single issue in order to assure that when the two (2) or more school districts, or parts thereof, are combined into one (1) school district, a single millage will be levied for support of the new school district.

(b) The boards of directors of the school districts may, by resolution duly adopted and with the approval of the Commissioner of Education, set a date for the annual school election in that year for the school districts involved on a date other than the date set in § 6-14-102 for all school districts, provided only one (1) annual school election may be held in any school district in one (1) calendar year.

(c) If the State Board of Education is petitioned by the board of directors of a school district or districts, by resolution duly adopted by majority vote of each of the local boards of directors, or when petitioned by at least twenty-five percent (25%) of the qualified electors of a school district or districts as certified in writing by the county clerk of each county where the school district or districts are located, the state board may call a special election to be held in accordance with § 7-11-201 et seq. to consider the question of consolidation or annexation of the school districts as otherwise allowed for in subsection (a) of this section.

(d) The special election on consolidation or annexation shall be held by the same officials at the same polling places, and the returns shall be made, canvassed, and published in the same manner as is provided by law for annual school elections.

(e) If an election is not held in the newly formed school district, the vote on the millage for the newly formed school district will be held at the next annual school election.

History. Acts 1992 (1st Ex. Sess.), No. 62, § 1; 2001, No. 1225, § 2; 2005, No. 2145, § 5; 2007, No. 1049, § 7; 2009, No. 1480, § 5.

Amendments. The 2009 amendment substituted “§ 7-11-201 et seq.” for “§ 7-5-103(b)” in (c).

CHAPTER 15

EDUCATIONAL STANDARDS AND QUALITY GENERALLY

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. QUALITY EDUCATION ACT OF 2003.
4. ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT, AND ACCOUNTABILITY PROGRAM.
10. ARKANSAS PUBLIC EDUCATION ACT.
14. SCHOOL PERFORMANCE REPORT ACT.
16. COMMISSION ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS.
17. PARENTAL INVOLVEMENT PLAN.
20. PUBLIC SCHOOL STUDENT PROGRESSION.
21. SCHOOL RATING SYSTEM.
22. SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY.
26. THE REWARDING EXCELLENCE IN ACHIEVEMENT PROGRAM.
27. CLOSING THE ACHIEVEMENT GAP PROGRAM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-15-102. Division of Public School Accountability.

6-15-102. Division of Public School Accountability.

(a)(1) To enhance the public's access to public school performance indicators and to better measure the benefits of the increasing public investment in Arkansas's schools, the General Assembly finds that a Division of Public School Accountability of the Department of Education should be established under the direct operational control of the Commissioner of Education.

(2) The foremost obligation of the division shall be to administer all monitoring and compliance activities dealing with academic and fiscal accountability for each school or school district and to report academic progress.

(b) There is created the Division of Public School Accountability of the Department of Education.

(c) The division shall be under the supervision of the commissioner.

(d)(1)(A) The commissioner shall select an individual to serve as the assistant commissioner of the division, and the assistant commissioner shall serve at the pleasure of the commissioner.

(B) The commissioner may reassign as necessary appropriate staff for the division sufficient to fulfill all obligations for monitoring and reporting in the division.

(2) The person selected as the assistant commissioner shall:

(A) Be a person of good moral character and qualified technically and by experience to direct the work of the division;

(B) Hold a master's degree or a higher level degree from an accredited institution; and

(C) Have ten (10) years of experience in an administrative, supervisory, or management position.

(3) No person who is related within the fourth degree of consanguinity or affinity to any member of the State Board of Education or to the commissioner shall be eligible to serve as the assistant commissioner.

(e) With guidance and approval from the commissioner, the assistant commissioner shall be responsible for hiring all employees of the division.

(f) The division shall have the following responsibilities:

(1) To monitor schools for compliance with:

(A) State and federal regulations;

(B) Legislative acts and court-ordered mandates;

(C) All standards of learning and accreditation as established by the state board; and

(D) All rules and regulations as established by the state board;

(2) To coordinate the analysis, dissemination, and reporting of all augmented, criterion-referenced, or norm-referenced assessment information;

(3) To coordinate the implementation and administration of:

(A) Longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and school performance, ensuring mastery of the curriculum, and providing comparisons between students within Arkansas and with students in other states;

(B) Value-added assessments as established by the state board; and

(C) The annual school performance reports as established by the state board;

(4) To administer all monitoring and compliance activities dealing with academic and fiscal accountability as established by the state board; and

(5) To work with program approval and certification sections of the Department of Education, the Department of Higher Education, the Department of Career Education, and the individual colleges to provide information that will contribute to reasonable, equitable, and excellent preparation of certified personnel in public and private institutions of higher education.

(g)(1) The division shall provide annual reports of school performance or compliance to the Joint Interim Oversight Committee on Education Reform, the House Interim Committee on Education, and the Senate Interim Committee on Education.

(2) A preliminary report shall be provided by January 1 of each year, and a follow-up report that includes information regarding on-site visits shall be filed by June 1 of each year.

(h)(1) There is created the Arkansas Public Schools Accountability Advisory Council, which shall begin operation within one hundred twenty (120) calendar days following June 3, 2004.

(2) The membership of the council shall include:

(A) One (1) member designated as chair to be selected by the Governor, who shall be a representative of Arkansas businesses;

(B) One (1) member selected by the Governor, who shall be a representative of an educators' union in the State of Arkansas;

(C) One (1) member selected by the Governor, who shall be a parent or guardian of at least one (1) student currently enrolled in grades kindergarten through twelve (K-12) in a public school in the State of Arkansas;

(D) One (1) member selected by the Speaker of the House of Representatives, who shall be a representative of higher education;

(E) One (1) member selected by the President Pro Tempore of the Senate, who shall be a representative of Arkansas businesses;

(F) One (1) member selected by the Chair of the Senate Committee on Education, who is currently employed as a teacher in grades kindergarten through twelve (K-12) in a public school system in the State of Arkansas; and

(G) One (1) member selected by the Chair of the House Committee on Education, who shall be a representative of the administration of a public school in the State of Arkansas.

(3) The council shall provide advice and consultation services for the assistant commissioner.

(4) The council may be convened by the chair of the council, by the chair of the state board, or by the assistant commissioner.

(5) Members shall not receive compensation for service on the council but may receive expense reimbursement as provided in § 25-16-902.

History. Acts 2003 (2nd Ex. Sess.), No. 90, § 1; 2005, No. 1672, § 4; 2007, No. 1573, §§ 2, 68; 2009, No. 376, § 15.

Amendments. The 2009 amendment substituted "selected" for "appointed" in (h)(2)(E), (h)(2)(F), and (h)(2)(G).

SUBCHAPTER 2 — QUALITY EDUCATION ACT OF 2003

SECTION.

6-15-202. Accreditation — Development of regulations and standards.

6-15-203. Notification of failure to meet standards for accreditation — Appeal.

SECTION.

6-15-215. The Arkansas Smart Core Incentive Funding Program.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are

needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of

the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2009, No. 1481, § 2: July 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is vital to the state’s economy to graduate high school students who are college and workforce ready; that the Smart Core curriculum provides the rigorous course content and instruction needed to prepare high school students for college and the workforce; that schools and students will benefit from the incentive funding provided under this act for the programs necessary to assist students in completing the Smart Core curriculum; that the Department of Education needs to prepare rules to implement the program and school districts need to plan for using the incentive funding in the 2009-2010 school year and that this act is immediately necessary because a delay in the implementation of this act by the Department of Education or by school districts will result in fewer public high school students being prepared for

college and the workforce. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

Acts 2011, No. 1118, § 5: July 1, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the constitutional obligation of the state to ensure that the state’s public school children receive an equal opportunity for an adequate education; that to ensure that opportunity, it is essential that the state’s public schools and education service cooperatives operate effective alternative learning environments; that the immediate effectiveness of this bill is necessary for the implementation of the funding changes and for the public schools and education service cooperatives to operate effective alternative learning environments under this bill throughout the state by the 2011-2012 school year; and that any delay in the effective date of this act could work irreparable harm to the quality of education available to students who are educated in alternative learning environments in this state. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2011.”

6-15-202. Accreditation — Development of regulations and standards.

(a)(1) The State Board of Education is authorized and directed to develop comprehensive regulations, criteria, and standards to be used by the state board and the Department of Education in the accreditation of school programs in elementary and secondary public schools in this state.

(2) In its regulations, criteria, and standards promulgated under this subchapter, the state board shall include a provision regarding the attainment of unitary status for school districts that have not been released from court supervision over desegregation obligations.

(b)(1) All public schools and school districts shall meet the Standards for Accreditation of Arkansas Public Schools and School Districts that shall be adopted by the state board.

(2) Upon a showing of just cause, the state board may grant a waiver of any standard for accreditation for a time period of no longer than one (1) school year, except that no curriculum, student performance, school

performance, or any standard required by law may be waived for any time period.

(3) A school district is deemed to have failed to meet the standards if on any standard applicable to the general operation of a school district as defined by the state board the school district receives a probationary status.

(4) A school is deemed to have failed to meet the standards if on any standard applicable to the specific operation of that school as defined by the state board the school receives a probationary status.

(c) The state board shall promulgate rules and regulations setting forth:

(1) The process for identifying schools and school districts that fail to meet the standards;

(2) Enforcement measures the state board may apply to bring a school or school district into compliance with the standards, including, but not limited to, annexation, consolidation, or reconstitution of the school district in accordance with § 6-13-1401 et seq. and this subchapter; and

(3) The appeal process available to a school district under this subchapter.

(d) After the regulations are adopted and implemented by the state board, standards and procedures shall regularly be reviewed by the House Interim Committee on Education and the Senate Interim Committee on Education at least one (1) time every two (2) years, and recommendations and advice may be filed by the committees with the state board for its consideration.

(e)(1) The department shall conduct an on-campus Standards for Accreditation of Arkansas Public Schools and School Districts review for each school district in the state no less than one (1) time every four (4) years.

(2) The department may visit any school campus for an on-campus Standards for Accreditation of Arkansas Public Schools and School Districts review at other additional times as determined necessary by the Commissioner of Education or the state board.

(f) The commissioner may require that the superintendent of each school district file a written statement with the department as evidence that the school district for which the superintendent is responsible has complied with any or all of the following statutory requirements:

(1) § 6-10-111 (d)-(f) concerning the Equity Assistance Center;

(2) § 6-11-129(a)(1)(C)(ii) concerning data to be accessible on the department's website;

(3) § 6-13-109 concerning employment of a school superintendent;

(4) § 6-13-620 concerning powers and duties of the local school board of directors;

(5) § 6-13-801 et seq. concerning educational compacts;

(6) § 6-15-202(b)(1) concerning accreditation;

(7) § 6-15-401 et seq. concerning the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

- (8) § 6-15-502 concerning home schools;
- (9) § 6-15-902 concerning grading scale;
- (10) § 6-15-1004 concerning qualified teachers;
- (11) § 6-15-1101(b) concerning diplomas;
- (12) § 6-15-1402 concerning the school performance report;
- (13) § 6-15-1603 concerning closing the achievement gap;
- (14) § 6-15-1701 et seq. concerning a parental involvement plan;
- (15) § 6-15-2006 concerning remedial instruction;
- (16) § 6-16-102 concerning school day;
- (17) § 6-16-103 concerning course of study generally;
- (18) § 6-16-124 concerning Arkansas history;
- (19) § 6-16-126 concerning food handling safety;
- (20) § 6-16-130 concerning visual art and music;
- (21) § 6-16-132 concerning physical education;
- (22) § 6-16-1002 concerning health education;
- (23) § 6-16-1003 concerning oral health standards;
- (24) § 6-16-1201 et seq. concerning advanced placement and concurrent enrollment;
- (25) § 6-17-102 concerning emergency first aid personnel;
- (26) § 6-17-201 concerning personnel policies;
- (27) § 6-17-309 concerning certification;
- (28) § 6-17-401 et seq. concerning teacher's license requirement;
- (29) § 6-17-2301 concerning establishment of personnel policies;
- (30) § 6-17-2402 concerning teacher compensation;
- (31) § 6-18-101 concerning qualifications for valedictorian and salutatorian;
- (32) § 6-18-201 et seq. concerning compulsory attendance;
- (33) § 6-18-202 concerning age and residence for attending public schools;
- (34) § 6-18-207 concerning minimum age for enrollment in public school;
- (35) § 6-18-211 concerning attendance for students in grades nine through twelve (9-12);
- (36) § 6-18-213 concerning attendance records and reports generally;
- (37) § 6-18-223 concerning credit for college courses;
- (38) § 6-18-501 et seq. concerning guidelines for development of school district student discipline policies and written student discipline policies;
- (39) § 6-48-101 et seq. concerning alternative learning environments;
- (40) § 6-48-103 concerning assessment and intervention in alternative learning environments;
- (41) § 6-18-701 et seq. concerning physical examinations;
- (42) § 6-18-1005 concerning a student services program;
- (43) § 6-19-101 concerning transportation;
- (44) § 6-20-2202 concerning the budget and expenditure report;
- (45) § 6-21-106 concerning fire hazards inspection prior to closing for breaks;

- (46) § 6-21-112 concerning school facilities;
- (47) § 6-25-101 et seq. concerning the public school library media and technology;
- (48) § 6-41-101 et seq. concerning services to children with disabilities in nonpublic schools;
- (49) § 6-42-101 concerning gifted and talented; and
- (50) Any other statutory mandate for school districts identified by the department as relevant to the Standards for Accreditation of Arkansas Public Schools and School Districts.

(g) In addition to any written statement of assurance required under subsection (f) of this section, the department may conduct an on-site review of a school district to confirm that a school district has complied with any statutory requirements listed in subsection (f) of this section or any other matter related to the standards.

(h) The department shall establish a form for the written statement of assurance required under subsection (f) of this section and shall establish a date or dates by which school districts shall submit the written statement of assurance required under subsection (f) of this section.

(i) If any superintendent fails to file a written statement of assurance as required by the commissioner under subsection (f) of this section by the date established by the department or knowingly submits false information or if the department determines the information in the statement is inaccurate or incomplete, the department may:

- (1) Conduct a random on-site visit;
- (2) Request additional information from the school district;
- (3) Take licensure action on the license of the superintendent under the procedure of § 6-17-410; or
- (4) Find the school or school district in citation or probationary violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 1983, No. 445, § 4; A.S.A. 1947, § 80-4604; Acts 1997, No. 112, § 3; 2003, No. 1467, § 2; 2005, No. 1684, § 1; 2005, No. 2131, § 26; 2007, No. 54, § 2; 2007, No. 829, § 2; 2011, No. 1118, § 1.

Amendments. The 2011 amendment substituted “§ 6-48-101 et seq.” for “§ 6-18-508” in (39); and substituted “§ 6-48-103” for “§ 6-18-509” in (40).

6-15-203. Notification of failure to meet standards for accreditation — Appeal.

(a)(1) The Department of Education annually shall notify all schools or school districts failing to meet standards for accreditation for elementary and secondary schools not later than May 1 of each year of this determination.

(2)(A) However, at any time the department may immediately notify a public school or school district failing to meet standards for accreditation for elementary and secondary schools when the failure is discovered by the department under § 6-15-202(i).

(B) A public school or school district notified by the department of the public school's or school district's failure to meet the standards for accreditation due to actions taken under § 6-15-202(i) shall have the same period of time to appeal to the State Board of Education as provided under subdivision (b)(3) of this section.

(b)(1) In the event that a school district affected by this subchapter believes the department has improperly determined that a school or school district fails to meet the standards for accreditation, the school district shall have a right of appeal thereafter to the State Board of Education.

(2) Any appeal shall be held in an open hearing, and the decision of the state board shall be in open session.

(3) Appeals must be filed not later than May 15 following the May 1 determination of accreditation status, and the state board hearing must be held prior to June 30 of the same calendar year.

(4) The state board may confirm the classification of a local school or school district as determined by the department, or it may sustain the appeal of the school district.

(5) An aggrieved school district may appeal the ruling of the state board to Pulaski County Circuit Court pursuant to the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 1983, No. 445, § 6; A.S.A. 1947, § 80-4606; Acts 1993, No. 603, § 1; 2003, No. 1467, § 3; 2009, No. 1469, § 3; 2011, No. 989, §§ 12, 13.

Amendments. The 2009 amendment rewrote (a).

The 2011 amendment substituted "May 1" for "May 15" in (a)(1) and (a)(3); and in (a)(3), substituted "May 15" for "May 30" and "June 30" for "August 15."

6-15-215. The Arkansas Smart Core Incentive Funding Program.

(a) The General Assembly finds that:

(1) The skills and knowledge gained through Arkansas's Smart Core curriculum provide the academic foundation required for high school graduates to succeed in their first year of college or in a job that promises a well-paying career track; and

(2) School districts should encourage all students who are capable of completing the Smart Core curriculum to do so.

(b) As used in this section:

(1) "Eligible high school" means each public high school in a school district that meets the criteria to receive incentive funding under subsection (f) of this section and the program rules adopted under this section by the State Board of Education;

(2) "Smart Core" means the curriculum established by the Department of Education under the Standards for Accreditation of Arkansas Public Schools and School Districts that is part of Smart Future, a state initiative focused on improving Arkansas public high schools for all students; and

(3) "Smart Core graduate" means a student who graduated from an Arkansas public high school after having successfully completed the Smart Core curriculum.

(c) The Arkansas Smart Core Incentive Funding Program is established to provide a financial incentive to:

(1) Assist with a public high school's efforts to encourage public high school students to complete the Smart Core curriculum; and

(2) Promote programs that contribute to student success, including without limitation:

(A) Tutoring;

(B) Quality after-school and summer programs that may include the College Preparatory Enrichment Program (CPEP), literacy, math, and science specialists in elementary school; and

(C) Professional development for mathematics, science, literacy, foreign language, and Advanced Placement instruction; and

(3) Provide support to school counselors to improve student services.

(d)(1)(A) A school district that receives incentive funding under this section shall provide the incentive funding to each eligible high school in the school district.

(B) The eligible high school shall spend the incentive funding only for the purposes identified in subsection (c) of this section.

(2) A school district that receives incentive funding under this program shall not use the incentive funding to provide increases to the salary schedule of the school district.

(e)(1) Subject to an appropriation and available funding for the program, the department shall pay incentive funding to a school district under this section based on an annual percentage of Smart Core graduates from a public high school in the school district.

(2)(A) The department shall make the calculation based on a student record analysis conducted annually by the department beginning with the graduating class of 2010.

(B) The department shall exclude from the student record analysis a student with an individualized education program that does not require a student to complete the Smart Core curriculum.

(f)(1) By June 30 of each year, the department shall pay to a school district incentive funding under the program as follows:

(A) If one hundred percent (100%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred twenty-five dollars (\$125) per Smart Core graduate;

(B) If at least ninety-five percent (95%) but less than one hundred percent (100%) of a public high school's graduates in the immediately preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred dollars (\$100) per Smart Core graduate; and

(C) If at least ninety percent (90%) but less than ninety-five percent (95%) of a public high school's graduates in the immediately

preceding school year completed the Smart Core curriculum, the school district where the public high school is located shall receive fifty dollars (\$50.00) per Smart Core graduate.

(2) The department shall not pay incentive funding to a school district for a public high school in which less than ninety percent (90%) of its graduates complete the Smart Core curriculum.

(3) If a public high school's graduation rate falls below the average graduation rate for the public high school for the previous three (3) school years, the school district is not eligible to receive the full incentive award under the program for the public high school.

(g) Participation in the Arkansas Smart Core Incentive Funding Program is voluntary.

(h) This section is effective from July 1, 2009, through June 30, 2020.

History. Acts 2009, No. 1481, § 1.

SUBCHAPTER 4 — ARKANSAS COMPREHENSIVE TESTING, ASSESSMENT, AND ACCOUNTABILITY PROGRAM

SECTION.

6-15-403. Authority of State Board of Education.

6-15-404. Program implementation.

6-15-419. Definitions.

6-15-426. School improvement.

6-15-433. Statewide assessment program.

SECTION.

6-15-437. Rules.

6-15-440. Arkansas Leadership Academy School Support Program.

6-15-441. Arkansas College and Career Readiness Planning Program.

Effective Dates. Acts 2009, No. 222, § 4: February 25, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the constitutional obligation of the state to ensure that the state's public school children receive an equal opportunity for an adequate education; that to ensure that opportunity, it is essential to have strong and effective school leaders; and that this act is immediately necessary to allow the Department of Education, the Department of Higher Education, the Department of Workforce Education, and the Arkansas Leadership Academy to address deficiencies in the Arkansas's educational leadership system. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the

expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1307, § 6: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that end-of-course assessments for public school students assist the state in measuring a student's proficiency in reading, writing, and mathematics, which is essential to academic progression for students; that a specified effective date for this act is essential to the continuity of public student assessments, which begin with an early fall testing cycle, and to the efficient operation of the Department of Education and the public schools of this state in preparing for the fall 2009 testing cycle; and that this act is immediately necessary because any delay could work irreparable harm to the department, to the public

school districts, and to the students. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

Acts 2011, No. 879, § 4: Mar. 31, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that preparing public school students for college and career readiness is a high priority of the state’s educational and economic development systems; that the substantial cost to remediate high school students at the postsecondary level will be reduced by increasing access to postsecondary preparatory programs for public school students in grades eight through eleven (8-11) who

are identified as scoring below college readiness benchmarks; and that this act is immediately necessary so that the Department of Education may approve applications and distribute funding for the expanded postsecondary preparatory programs for the current school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-15-403. Authority of State Board of Education.

(a) The State Board of Education through the Department of Education shall:

(1) Develop a single comprehensive testing, assessment, and accountability program which utilizes the most current and effective testing, evaluation, and assessment research information designed to achieve the following purposes set forth in this subchapter:

(A) Set clear academic standards that are periodically reviewed and revised;

(B) Establish professional development;

(C) Establish expected achievement levels;

(D) Report on student achievement and other indicators;

(E) Provide evaluation data;

(F) Recognize academic excellence and failure;

(G) Apply awards and sanctions; and

(H) Comply with current federal and state law and state board rules and regulations;

(2) Promulgate rules and regulations as may be necessary to develop and implement the comprehensive testing, assessment, and accountability program;

(3) Employ staff and enter into contracts as may be necessary to carry out the provisions of this subchapter;

(4) Classify school services, designate the licensure subject areas, establish competencies, including the use of technology to enhance student learning, and licensure requirements for all school-based personnel, and prescribe rules in accordance with initial, standard, and provisional licenses;

(5) Identify critical teacher shortage areas; and

(6) Collect and maintain the management information databases for all components of the public kindergarten through grade twelve (K-12) education system.

(b) To transition to and implement the Common Core State Standards, the State Board of Education may:

- (1) Modify curriculum and assessment requirements;
- (2) Adopt new curriculum and assessment requirements; and
- (3) Direct the Department of Education to:
 - (A) Propose to the state board rules and procedures; and
 - (B) Develop the professional development needed to train educators on the transition and implementation.

History. Acts 1983 (Ex. Sess.), No. 54, § 3; 1983 (Ex. Sess.), No. 89, § 3; A.S.A. 1947, § 80-5803; Acts 1993, No. 846, § 3; 1997, No. 1172, § 3; 1999, No. 999, § 4; 2003, No. 1467, § 9; 2011, No. 989, § 14.

Amendments. The 2011 amendment added (b).

6-15-404. Program implementation.

(a)(1) The State Board of Education shall establish clear, specific, and challenging academic content standards which define what students shall know and be able to do in each content area.

(2) Instruction in all public schools shall be based on these academic content standards.

(b) The state board shall establish a schedule for periodic review and revision of academic content standards to ensure that Arkansas academic content standards are rigorous and equip students to compete in the global workforce.

(c) The state board shall include the following elements in the periodic review and revision of Arkansas academic content standards:

- (1) External review by outside content standards experts;
- (2) Review and input by higher education, workforce education, and community members;
- (3) Study and consideration of academic content standards from across the nation and the international level as appropriate;
- (4) Study and consideration of evaluation from national groups or organizations as appropriate;
- (5) Revisions by committees of Arkansas teachers and instructional supervisor personnel from public schools, assisted by teachers from institutions of higher education; and

(6) Public dissemination of revised academic content standards at the state board meeting and Department of Education website.

(d) The state board shall establish a clear, concise system of reporting the academic performance of each school on the state-mandated augmented, criterion-referenced, or norm-referenced assessments that conforms with the requirements of the No Child Left Behind Act of 2001.

(e)(1) The state board shall develop and the department shall implement a developmentally appropriate uniform school readiness screen-

ing to validate a child's school readiness as part of a comprehensive evaluation design.

(2) Beginning with the 2004-2005 school year, the department shall require that all school districts administer the uniform school readiness screening to each kindergarten student in the school district school system upon the student's entry into kindergarten.

(3) Children who enter public school for the first time in first grade must be administered the uniform school readiness screening developed for use in the first grade.

(f)(1) The department shall select a developmentally appropriate assessment to be administered to all students in first grade and second grade in reading and mathematics.

(2) Professional development activities shall be tied to the comprehensive school improvement plan and designed to increase student learning and achievement.

(3) Longitudinal and trend data collection shall be maintained for the purposes of improving student and school performance.

(4) A public school or public school district classified as in "school improvement" shall develop and file with the department a comprehensive school improvement plan designed to ensure that all students demonstrate proficiency on all portions of state-mandated augmented, criterion-referenced, or norm-referenced assessments. The comprehensive school improvement plan shall include strategies to address the achievement gap existing for any identifiable group or subgroup as identified in the Arkansas Comprehensive Testing, Assessment, and Accountability Program and the gap of that subgroup from the academic standard.

(g) The department shall develop and implement an augmented, criterion-referenced, or norm-referenced assessment program that is valid, reliable, externally linked to a national norm, and vertically scaled for public school students in grades three through eight (3-8), which measures application of knowledge and skills in reading and writing literacy and mathematics. Science, civics, and government shall be measured on a schedule as determined by the state board.

(h)(1) The State of Arkansas shall participate in the administration of the National Assessment of Educational Progress examinations.

(2)(A) Any student failing to achieve the established standard on the Arkansas Comprehensive Assessment Program examinations shall be evaluated by school personnel, who shall jointly develop with the student's parents an academic improvement plan to assist the student in achieving the expected standard in subject areas in which performance is deficient.

(B) The academic improvement plan shall describe the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.

(i)(1) Each school shall develop one (1) comprehensive, long-range school improvement plan focused on student achievement which shall be reported to the public.

(2)(A)(i) Any school that fails to achieve expected levels of student performance on the Arkansas Comprehensive Assessment Program examinations and related indicators, as defined in this subchapter, shall participate in a school improvement plan accepted by the department.

(ii) This improvement plan shall assist those students performing below grade level in achieving the expected standard.

(B) Progress on improved achievement shall be included as part of the school's annual report and the school district's annual report to the public.

(j)(1) The department and the local school districts shall annually compile and disseminate to the public results of all required examinations.

(2) The results of general and high-stakes end-of-course testing shall become a part of each student's transcript or permanent record and shall be recorded on these documents in a manner prescribed by the state board.

(k)(1) Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Arkansas cannot be the guarantor of each individual student's success.

(2) The goals of Arkansas's grades kindergarten through twelve (K-12) educational system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

History. Acts 1983 (Ex. Sess.), No. 54, § 13; 1983 (Ex. Sess.), No. 89, § 13; A.S.A. 1947, § 80-5813; Acts 1993, No. 846, § 4; 1997, No. 1172, § 4; 1999, No. 999, § 5; 2003, No. 1467, § 10; 2003 (2nd Ex. Sess.), No. 35, § 1; 2007, No. 1573, § 3; 2011, No. 989, § 15.

Amendments. The 2011 amendment substituted "general and high-stakes" for "the" in (j)(2).

6-15-419. Definitions.

The following definitions shall apply in this subchapter and in §§ 6-15-2001 et seq., 6-15-2101 et seq., 6-15-2301, 6-15-2401, and 6-18-227:

(1) "ACT" means the ACT assessment for college placement administered by ACT, Inc.;

(2) "Academic content standards" means standards that are approved by the State Board of Education and that set the skills to be taught and mastery level for each grade and content area;

(3)(A) "Academic improvement plan" means a plan detailing supplemental or intervention and remedial instruction, or both, in deficient academic areas for any student who is not proficient on a portion or portions of the state-mandated Arkansas Comprehensive Assessment Program.

(B)(i) Such a plan shall be created and implemented by appropriate teachers, counselors, and any other pertinent school personnel.

(ii) All academic improvement plans shall be reviewed annually and revised to ensure an opportunity for student demonstration of proficiency in the targeted academic areas on the next state-mandated Arkansas Comprehensive Assessment Program.

(iii) A cumulative review of all academic improvement plans shall be part of the data used by the school in creating and revising its comprehensive school improvement plan.

(iv) All academic improvement plans shall be subject to review by the Department of Education.

(C) In any instance in which a student with disabilities identified under the Individuals with Disabilities Education Act has an individualized education program that already addresses any academic area or areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments, the individualized education program shall serve to meet the requirement of an academic improvement plan;

(4) "Adequate yearly progress" means the level of academic improvement required of public schools or school districts on the state-mandated augmented, criterion-referenced, or norm-referenced assessments and other indicators as required in the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall comply with the Elementary and Secondary Education Act as reauthorized in the No Child Left Behind Act of 2001;

(5) "Advanced placement test" means the test administered by the College Board for a high-school-level preparatory course that incorporates the topics specified by the College Board on its standard syllabus for a given subject area and is approved by the College Board;

(6) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

(7) "Annual improvement gains" or "student learning gains" means calculating a student's academic progress from one (1) year to the next, based on a same series nationally normed assessment given in the same time frame from one (1) year to the next, used as a pre-post measure of learning for the content areas tested;

(8) "Annual performance" means the level of academic achievement required of public schools or school districts on the state-mandated augmented, criterion-referenced, or norm-referenced assessments;

(9) "Arkansas Comprehensive Assessment Program" means the testing component of the Arkansas Comprehensive Testing, Assessment, and Accountability Program, which shall consist of:

(A) Developmentally appropriate augmented, criterion-referenced, or norm-referenced assessments in kindergarten through grade twelve (K-12), as determined by the state board;

(B) Any other assessments as required by the state board;

(C) Other assessments that are based on researched best practices as determined by qualified experts that would be in compliance with federal and state law; and

(D) End-of-course examinations for designated grades and content areas;

(10) "Arkansas Comprehensive Testing, Assessment, and Accountability Program" means a system of measurement and reporting designed to ensure that all students in the public schools of this state demonstrate academic achievement through the application of knowledge and skills in core academic subjects consistent with state curriculum frameworks and performance standards;

(11) "Comprehensive school improvement plan" means the individual school's comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to provide an opportunity for all students to demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

(12) "Consolidation" means the joining of two (2) or more school districts or parts of the school districts to create a new single school district under § 6-13-1401 et seq. or § 6-13-1601 et seq.;

(13)(A) "District improvement plan" means a districtwide plan coordinating the actions of the various comprehensive school improvement plans within a school district.

(B) The main focus of the district improvement plan shall be to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program;

(14)(A) "Early intervention" means short-term, intensive, focused, individualized instruction developed from ongoing, daily, systematic diagnosis that occurs while a child is in the initial, kindergarten through grade one (K-1), stages of learning early reading, writing, and mathematical strategies to ensure acquisition of the basic skills and to prevent the child from developing poor problem-solving habits that become difficult to change.

(B) The goal is to maintain a student's ability to function proficiently at grade level;

(15) "General end-of-course assessment" means a criterion-referenced assessment taken upon successful completion of a course of study set by the State Board of Education:

(A) To determine whether a student demonstrates, according to a requisite scale score established by rule of the state board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory mastery of the subject level content in that end-of-course assessment; and

(B) For which failure to meet that requisite scale score requires sufficient remediation before a student is entitled to receive full academic credit for the course;

(16) "Grade inflation rate" means the statistical gap between actual grades assigned for core classes at the secondary level and student performance on corresponding subjects on nationally normed college entrance exams such as the ACT;

(17) "Grade level" means performing at the proficient or advanced level on state-mandated Arkansas Comprehensive Assessment Program tests;

(18) "High school" means grades nine through twelve (9-12);

(19) "High-stakes end-of-course assessment" means a criterion-referenced assessment taken upon the successful completion of both the Algebra I and the English II course of study under § 6-15-433(b)(3)(A)(iii):

(A) To determine whether a student demonstrates, according to a requisite scale score established by rule of the state board, attainment of sufficient knowledge and skills to indicate a necessary and satisfactory passing standard of the subject level content in that particular end-of-course assessment; and

(B) For which failure to meet the requisite scale score requires that the student shall not receive academic credit for the course of study for which the assessment was taken until the student meets the requisite scale score on the initial, a subsequent, or an alternative high-stakes end-of-course assessment as allowed or required by Arkansas law or by state board rules;

(20) "International Baccalaureate assessment" means an assessment administered by the International Baccalaureate Organization for a course offered under the International Baccalaureate Diploma Program;

(21) "Longitudinal tracking" means tracking individual student yearly academic achievement gains based on scheduled and annual assessments;

(22) "Middle level" means grades five through eight (5-8);

(23) "No Child Left Behind Act" means the No Child Left Behind Act of 2001 signed into federal law on January 8, 2002;

(24) "Parent" means:

(A) A parent, parents, legal guardian, a person standing in loco parentis, or legal representative, as appropriate, of a student; or

(B) The student if the student is eighteen (18) years of age or older;

(25) "Point-in-time intervention and remediation" means intervention and remediation applied during the academic year upon the discovery that a student is not performing at grade level;

(26) "Primary" means kindergarten through grade four (K-4);

(27) "Public school" means those schools or school districts created pursuant to Title 6 of the Arkansas Code and subject to the Arkansas Comprehensive Testing, Assessment, and Accountability Program except specifically excluding those schools or educational programs created by or receiving authority to exist under § 6-15-501, § 9-28-205, § 12-29-301 et seq., or other provisions of Arkansas law;

(28) "Public school in school improvement" or "school in need of immediate improvement" means any public school or public school district identified as failing to meet certain established levels of academic achievement on the state-mandated augmented, criterion-referenced, or norm-referenced assessments as required by the state board in the program;

(29) "Reconstitution" means a reorganization intervention in the administrative unit or governing body of a public school district,

including without limitation the suspension, reassignment, replacement, or removal of a current superintendent or the suspension, removal, or replacement of some or all of the current school board members, or both;

(30)(A)(i) “Remediation” means a process of using diagnostic instruments to provide corrective, specialized, supplemental instruction to help a student in grades two through four (2-4) overcome academic deficiencies.

(ii) For students in grades five through twelve (5-12), remediation shall be a detailed, sequential set of instructional strategies implemented to remedy any academic deficiencies indicated by below-basic or basic performance on the state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(B) Remediation shall not interfere with or inhibit student mastery of current grade level academic learning expectations;

(31) “SAT” means the college entrance examination known as the “Scholastic Assessment Test” administered by the College Board;

(32) “School district in academic distress” means any public school district failing to meet the minimum level of academic achievement on the state-mandated augmented, criterion-referenced, or norm-referenced assessments as required by the state board in the program;

(33) “School improvement plan” means the individual school’s comprehensive plan based on priorities indicated by assessment and other pertinent data and designed to ensure that all students demonstrate proficiency on all portions of the state-mandated Arkansas Comprehensive Assessment Program examinations;

(34) “Social promotion” means the passage or promotion from one (1) grade to the next of a student who has not demonstrated knowledge or skills required for grade-level academic proficiency;

(35) “Uniform school readiness screening” means uniform, objective evaluation procedures that are geared to either kindergarten or first grade, as appropriate, and developed by the state board and specifically formulated for children entering public school for the first time; and

(36) “Value-added computations of student gains” means the statistical analyses of the educational impact of the school’s instructional delivery system on individual student learning, using a comparison of previous and posttest student achievement gains against a national cohort.

History. Acts 1999, No. 999, § 3; 2003, No. 1467, § 12; 2003 (2nd Ex. Sess.), No. 35, § 11; 2007, No. 1573, § 4; 2009, No. 1307, § 1; 2011, No. 989, § 16.

Amendments. The 2009 amendment rewrote the section.

The 2011 amendment rewrote (10).

6-15-426. School improvement.

(a) The State Board of Education shall develop a single comprehensive testing, assessment, and accountability program which shall identify and address all public schools or public school districts in

school improvement or academic distress and shall be incorporated into the Arkansas Comprehensive Testing, Assessment, and Accountability Program rules and regulations which shall comply with the Elementary and Secondary Education Act as reauthorized by the No Child Left Behind Act of 2001.

(b) The school board president and the superintendent of a public school or school district identified by the Department of Education as being classified as in school improvement shall be notified of the classification in writing by the department via certified mail, return receipt requested, and the school district shall have a right of appeal pursuant to the program rules and regulations which shall comply with the No Child Left Behind Act of 2001.

(c) The program shall require that any public school or school district in school improvement that fails to make adequate yearly progress as required in the program may, after being afforded all due process rights and in a timely manner required under the No Child Left Behind Act of 2001 be advanced by the state board to the corrective action or restructuring phase of the program adopted in the program rules and regulations.

(d) Any public school or school district classified in school improvement shall comply with all requirements placed on a public school or school district under the program rules and regulations as required by the No Child Left Behind Act of 2001.

(e) Each public school or school district shall develop and file with the department a comprehensive school improvement plan which shall be reviewed by the department and shall be designed to ensure that all students have an opportunity to obtain an adequate education and demonstrate proficiency on all portions of the state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(f) The comprehensive school improvement plan shall:

(1) Be based on an analysis of student performance data and other relevant data that provide a plan of action to address deficiencies in student performance and any academic achievement gap evidenced in the Arkansas Comprehensive Testing, Assessment, and Accountability Program; and

(2) Include the public school or school district's use of categorical funding for:

(A) Alternative learning environments;

(B) Professional development;

(C) English-language learners; and

(D) National school lunch students, as defined by § 6-20-2303(12)(A).

(g) Any public school or school district classified as in school improvement under § 6-15-425 shall develop and file with the department a revised comprehensive school improvement plan meeting the requirements of this section and containing any additional requirements determined necessary by the department to ensure that all students in the public school or school district have an opportunity to demonstrate proficiency on all portions of the state-mandated assessments.

(h) At the end of each school year, the school district shall assess the effectiveness of an intervention or other action included in the comprehensive school improvement plan in improving student performance and include the assessment in the comprehensive school improvement plan for the following school year.

(i)(1) The department shall monitor each public school's and school district's compliance regarding its comprehensive school improvement plan, including without limitation:

(A) The use of public school funding under the Public School Funding Act of 2003, § 6-20-2301 et seq., for the following:

(i) Instructional facilitators as that term is defined by the state board;

(ii) Alternative learning environments, professional development, English-language learners, and national school lunch students identifying specific:

(a) Educational strategies;

(b) Resources used, including tutors, teachers' aides, counselors, social workers, and nurses; and

(c) Expenditures made from categorical funds provided under § 6-20-2305(b); and

(B) The implementation of programs for students whose academic achievement is below proficient.

(2) As part of the monitoring process under this subsection (i), the department shall evaluate the research cited by the public school or school district in its comprehensive school improvement plan in support of the proposed interventions and actions to assess its independence and empirical support for the effectiveness of the program.

(3) The department shall use the information obtained through monitoring comprehensive school improvement plans under this section to:

(A) Determine the compliance of the public school or school district with this subchapter;

(B) Evaluate whether the assessment conducted by the public school or school district under subsection (h) of this section was conducted properly; and

(C) Assess the areas in which the public school or school district needs to revise its plan.

(j) The state board shall incorporate the provisions of subsections (f) through (i) of this section into its rules for comprehensive school improvement plans and may amend those rules in the same manner as provided by law for other rules established by the state board.

History. Acts 2003, No. 1467, § 16; 2007, No. 807, §§ 1, 2; 2007, No. 1573, § 8; 2009, No. 376, § 16.

Amendments. The 2009 amendment subdivided (i)(3)(B) into (i)(3)(B) and (C), and made minor stylistic changes.

6-15-433. Statewide assessment program.

(a) Upon approval by the State Board of Education or as required by law, the Department of Education shall implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools and tests the requisite knowledge and skills of students.

(b) Pursuant to the statewide assessment program, the department shall:

(1) Determine and designate the appropriate offices within the department which shall report to the state board and shall be responsible for determining each school's improvement and performance levels;

(2) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools; and

(3)(A) Implement student achievement testing as part of the statewide assessment program, to be administered annually to measure reading, writing, and mathematics, and includes:

(i) Developmentally appropriate testing for grades kindergarten through two (K-2);

(ii) Either:

(a) Developmentally appropriate augmented, criterion-referenced, or norm-referenced assessments in kindergarten through grade twelve (K-12), as determined by the state board and as required by law; or

(b) Other assessments that are based on researched best practices as determined by qualified experts that would be in compliance with federal and state law;

(iii)(a) High-stakes end-of-course assessments administered under § 6-15-2009 for Algebra I and English II only.

(b) The state board shall identify by rule Algebra I and English II high-stakes courses and establish the high-stakes end-of-course assessments;

(iv) General end-of-course assessments administered for other content course subject areas as determined by state board rule; and

(v) Any other assessments required by the state board.

(B) Science, civics, and government shall be measured on a schedule as determined by the state board.

(c) The testing program shall be designed so that:

(1)(A)(i) The tests measure student skills and competencies adopted by the state board as specified in § 6-15-404(a).

(ii) The tests shall measure and report student achievement levels in reading, writing, and mathematics, including longitudinal tracking of the same students, as well as an analysis of value-added computations of student achievement gains against a national cohort.

(B) The department shall provide for the tests to be obtained or developed, as appropriate, through contracts and project agreements;

(2)(A) The testing program, as determined by the state board, shall consist of augmented, criterion-referenced, or norm-referenced assessments or other assessments as defined in subdivision (b)(3)(A)(ii)(b) of this section.

(B) Questions shall require the student to produce information and perform tasks in such a way that the skills and competencies he or she uses can be measured in a statistically reliable and valid manner;

(3)(A)(i) Each testing program, whether at the elementary beginning at grade three (3), middle school, or high school level, shall include to the fullest extent possible a test of writing in which students are required to produce writings that are then scored by appropriate analytic methods that ensure overall test validity and reliability, including inter-rater reliability.

(ii) Writing test results shall be scored and returned for school district and school use no later than July 1 of each year beginning in 2005-2006 and each year thereafter.

(B) For end-of-course exams, the department may extend the July 1 deadline under subdivision (c)(3)(A) of this section to August 1 if the department finds, based on the request for proposals, that:

(i) The cost of administration of the end-of-course exam will be substantially more because of the earlier deadline; or

(ii) The validity of the end-of-course exam results will be compromised because of the earlier deadline;

(4) For each subject area tested, a score shall be designated that will be the required level of proficiency below which score a student's performance is deemed inadequate;

(5) Beginning in the 2004-2005 school year, students in grades kindergarten through twelve (K-12) who do not demonstrate proficiency on the Arkansas Comprehensive Assessment Program examinations shall participate in an intense remediation program specific to identified deficiencies;

(6) The state board shall designate, based on valid and reliable statistical models, the proficiency levels for each part of the Arkansas Comprehensive Assessment Program examinations;

(7)(A)(i) Participation in the testing program is mandatory for all students attending public school except as otherwise prescribed by the state board.

(ii) If a student does not participate in the Arkansas Comprehensive Assessment Program examinations, the school district shall notify the student's parent or guardian and provide the parent or guardian with information regarding the reasons for and implications of such nonparticipation.

(B) The state board shall:

(i) Adopt rules in compliance with federal and state law, based upon recommendations of the department, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for limited-English proficient students; and

(ii) Not make accommodations that negate the validity of a state-wide assessment or interpretations or implementations which result in less than ninety-five percent (95%) of all students attending public school participating in the testing program;

(8) The department shall implement student testing programs for any grade level and subject area necessary to effectively monitor educational achievement in the state and shall provide data access to any unit within the department or contracted firm or firms for the purpose of analyzing value-added computations and posting school, school district, and state student achievement, provided such disclosures are not in conflict with applicable federal and state law;

(9)(A) Each school district shall ensure that educators in that school district provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation.

(B) The department shall verify that the required skills and competencies are part of the school district instructional programs;

(10) Conduct ongoing research to develop improved statistically reliable and valid methods of assessing student performance, including, without limitation, the:

(A) Use of technology to administer, score, or report the results of tests; and

(B) Use of electronic transfer of data;

(11) Conduct or contract with a provider to conduct ongoing research and analysis of individual student, classroom, school, school district, and state achievement data, including without limitation monitoring value-added trends in individual student, school, school district, and state achievement, identifying school programs that are successful, and analyzing correlates of school achievement; and

(12) Provide technical assistance to school districts in the implementation of state and school district testing programs and the use of the data produced pursuant to such programs, including longitudinal tracking data.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 4; 2003 (2nd Ex. Sess.), No. 75, § 1; 2007, No. 1573, §§ 9, 10; 2009, No. 1307, §§ 2, 3.

in (a), inserted “or as required by law” and added “and tests the requisite knowledge and skills of students”; and rewrote (b)(3)(A).

Amendments. The 2009 amendment,

6-15-437. Rules.

The State Board of Education shall adopt any rules necessary to implement this subchapter under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 4; 2009, No. 376, § 17.

Amendments. The 2009 amendment substituted “this subchapter” for “the Ar-

kansas Comprehensive Testing, Assessment, and Accountability Program, § 6-15-401 et seq.” and made a minor stylistic change.

6-15-440. Arkansas Leadership Academy School Support Program.

(a)(1) There is created the Arkansas Leadership Academy School Support Program through which the Arkansas Leadership Academy in collaboration with the Department of Education and other leadership groups shall provide support to schools or school districts designated by the Department of Education as being in school improvement and other school districts who opt to participate.

(2) The program shall be designed, developed, and administered by the academy created under § 6-15-1007.

(b) The program shall:

(1) Build the leadership capacity of the school and school district personnel;

(2) Train a diverse school leadership team, including, but not limited to, superintendents, school principals, and teachers;

(3) Provide a cadre of highly experienced, trained performance coaches to work in the school or school district on a regular basis;

(4) Work with the school and school district staff, school board members, parents, community members, and other stakeholders as necessary to provide a comprehensive support network that can continue the school's progress and improvement after completion of the academy's formal intervention and support;

(5) Ensure access to training programs and leadership skills development;

(6) Develop incentive programs for institutions and program participants;

(7) Assist in the development of partnerships between university leadership programs and school districts; and

(8) Work closely with the School Leadership Coordinating Council, the Department of Education, the Department of Higher Education, and the Department of Career Education to coordinate cohesive leadership goals.

(c)(1) The Department of Education and the academy shall develop criteria for selection of schools or school districts to participate in the program.

(2) Any school district that is in school improvement shall be eligible to participate in the program as provided in the rules of the State Board of Education.

(3) The academy and participating schools shall commit to continue participation in the school support program for no fewer than three (3) consecutive school years.

(d)(1) The number of schools participating in the program shall be determined by the amount of funding available for the program.

(2) The state board or the Department of Education may require a school district to fund a portion of the cost of the school's or school district's participation in the school support program if the Commissioner of Education determines that such participation is in the best

interest of the students served by the participating school or school district.

(3) Subject to the approval of the state board, the commissioner shall determine the portion of the school district's financial obligation for participation in the program, if any.

(e) The state board shall promulgate rules as necessary to implement the requirements of this section.

(f)(1) The state board shall have the authority to issue requests for proposals if the state board should determine to change the operator or the location of the academy.

(2) The academy shall maintain one (1) main office and, as needed, satellite offices partnered with institutions of higher education that have approved leadership programs and are strategically located in areas of the state identified by the Department of Education as having the greatest need for school leadership support.

History. Acts 2005, No. 1229, § 1; 2009, No. 222, § 2.

A.C.R.C. Notes. Acts 2009, No. 222, § 3, provided: "The document attached hereto titled 'Prologue' contains the Leadership Taskforce recommendations as submitted to the Adequacy Study Oversight Subcommittee, the House Interim Committee on Education, and the Senate Interim Committee on Education. The document, 'Prologue', shall be filed in the

journals of the House and Senate."

Amendments. The 2009 amendment, in (a)(1), inserted "and other leadership groups" and "and other school districts who opt to participate"; inserted "superintendents" in (b)(2); inserted (b)(5) through (b)(8); substituted "shall be eligible" for "may be invited, strongly encouraged, or required" in (c)(2); added (f); and made minor stylistic changes.

6-15-441. Arkansas College and Career Readiness Planning Program.

(a) As used in this section:

(1) "College and career readiness" means that a student is academically ready to succeed in college-level courses or in the workforce without the need to enroll in remedial courses during the student's first year;

(2) "College readiness assessment" means a test of student educational development that measures student readiness for future learning that is used by:

(A) Institutions of higher education as part of their admissions, placement, and scholarship processes; and

(B) High schools to improve college and workforce readiness;

(3) "EXPLORE" means the pre-ACT assessment designed to help students in grade eight (8) explore a broad range of options for their future and focus not only on high school coursework but also on post-high school choices as well;

(4) "PLAN" means the pre-ACT assessment for students in grade ten (10) used to help a student focus attention on improved academic achievement, career preparation, and planning for post-high school years; and

(5) "PSAT" means the Preliminary SAT/National Merit Scholarship Qualifying Test that provides practice for the SAT Reasoning Test and gives students feedback on individual strengths and weaknesses on college readiness skills.

(b)(1)(A) Beginning with the 2010-2011 school year, each public school that serves students in grade eight (8) shall administer EXPLORE to each student enrolled in grade eight (8) at the public school.

(B) Beginning with the 2010-2011 school year, each public school that serves students in grade ten (10) shall administer PLAN or the PSAT to each student enrolled in grade (10) at the public school.

(2) Funding for the college readiness assessments listed in subdivision (b)(1) of this section may be paid by using Department of Education at-risk funding.

(c)(1) Each public school administering the college readiness assessments under this section shall use the college readiness assessments to:

(A) Assist students with college and workforce readiness skills, course selection in high school, and improved academic achievement; and

(B) Provide the basis for the counseling under § 6-16-603 concerning postsecondary preparatory programs.

(2) Each public school shall fully incorporate the results from college readiness assessments listed in subdivision (b)(1) of this section into the college and career planning process for each student.

(d) Data collection shall be maintained by the Department of Education for the purpose of:

(1) Increasing college and career readiness skills;

(2) Improving instruction;

(3) Enhancing school improvement plans;

(4) Reducing the college remediation rates of students; and

(5) Developing and implementing postsecondary preparatory programs under § 6-16-601 et seq.

(e)(1) The department shall report to the House Committee on Education and the Senate Committee on Education no later than December 31 of each year on the:

(A) Implementation and effectiveness of the Arkansas College and Career Readiness Planning Program; and

(B) Statistical analysis of postsecondary preparatory programs under § 6-16-601 et seq. for each postsecondary preparatory program.

(2) The report may be posted on the department's website with a notification to the committees.

(f) The department shall promulgate rules to implement this section and shall monitor the use of college readiness assessments administered under this section to ensure public school compliance.

finds that:

“(1) Many Arkansas students enter college unprepared for the academic rigors of college and require noncredit remedial courses to attain skills and knowledge needed for regular credit coursework;

“(2) There is a direct and significant link between students being academically prepared for college and success in post-secondary endeavors;

“(3) Remediation lengthens the time required to obtain a degree, imposes additional costs on students and colleges, and uses student financial aid for courses that will not count toward a degree;

“(4) A precollege readiness assessment program in public high schools using pre-ACT or pre-SAT assessments will provide early benchmarks for student performance on college readiness exams and inform high school guidance counselors

and teachers who assist students with academic achievement, course selection, and college readiness skills;

“(5) A precollege readiness assessment program will provide reportable statewide data, enabling policy and program development that will benefit schools, parents, and students; and

“(6) Consistent use of precollege assessments will increase the number of successful student transitions into postsecondary education.”

Amendments. The 2011 amendment inserted (c)(1)(B); deleted “By the 2011-2012 school year” at the beginning of (c)(2); inserted (d)(5); substituted “December 31 of each year” for “September 31, 2010, and each year thereafter” in the introductory language of present (e)(1); and added (e)(1)(B) and (e)(2).

SUBCHAPTER 10 — ARKANSAS PUBLIC EDUCATION ACT

SECTION.

6-15-1004. Qualified teachers in every public school classroom.

SECTION.

6-15-1012. [Repealed.]

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive

the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-15-1004. Qualified teachers in every public school classroom.

(a) Arkansas teachers will demonstrate competency in subject matter content on identified assessments appropriate to their teaching area in order to be granted an initial license to teach in the state.

(b) In order to obtain a teaching license, Arkansas teachers will demonstrate the ability to increase student academic achievement by demonstrating competency on identified assessments of teaching methods that result in increased student achievement.

(c)(1) To renew a teaching license, a teacher shall participate in continuing education and professional development:

(A) Based on the teacher's evaluation and professional learning plan under the Teacher Excellence and Support System, § 6-17-2801 et seq.;

(B) As required under § 6-17-704 and other law; and

(C) As required by rule of the State Board of Education.

(2)(A) For purposes of the requirement for continuing education and professional development under this section, a three-hour graduate-level college credit course shall be counted as fifteen (15) hours of the professional development hours required for teachers under the Standards for Accreditation of Arkansas Public Schools and School Districts if the college credit is:

(i) Related to and enhances the teacher's knowledge of the subject area in which the teacher is currently teaching;

(ii) Part of the requirements for the teacher to obtain additional certification in a subject matter that has been designated by the Department of Education as having a critical shortage of teachers; or

(iii) Otherwise approved by the department as a graduate level course eligible for professional development credit.

(B) Any credit for professional development claimed under subdivision (c)(2)(A) of this section shall be approved by the department.

(C) For purposes of the requirement for continuing education and professional development under this section, each hour of training received by certified personnel related to teaching an advanced placement class for a subject covered by the College Board and Educational Testing Service shall be counted as professional development up to a maximum of thirty (30) hours.

(3) However, nothing in subdivision (c)(2) of this section shall prevent or restrict a school district from requiring additional in-service training.

(d) Effective at the beginning of the 2006-2007 school year, no teacher shall be assigned to teach a grade level or a subject for which he or she is not licensed by the state.

(e)(1) No class of students shall be under the instruction of a substitute teacher or teachers for more than thirty (30) consecutive school days in the same class during a school year unless the substitute teacher or teachers instructing the class have a bachelor's degree awarded by an accredited college or university or have been licensed to teach by the State of Arkansas.

(2) A substitute teacher or teachers possessing a bachelor's degree shall continue to teach the class from at least the thirty-first consecutive day after the regular teacher is absent from the class until the return of the regular teacher to that class.

(f) A person serving as a substitute teacher shall:

(1) Be a high school graduate; or

(2) Hold a graduate equivalent degree.

(g) Subsections (e) and (f) of this section shall not apply to substitutes for nondegreed vocational-technical teachers.

(h)(1) If subsections (e) and (f) of this section impose an undue hardship on a school district, the school district may apply to the State Board of Education for a waiver.

(2) The state board shall develop rules and regulations for granting a waiver.

(3) Any school district granted a waiver from this requirement shall be identified in the department's annual school district report card.

History. Acts 1991, No. 236, § 1; 1993, No. 405, § 1; 1997, No. 1108, § 4; 1999, No. 1382, § 1; 2003, No. 1728, § 1; 2005, No. 1183, § 1; 2005, No. 2131, § 28; 2007, No. 46, § 1; 2007, No. 57, § 1; 2011, No. 1209, § 2. .

Amendments. The 2011 amendment rewrote (c)(1).

6-15-1012. [Repealed.]

Publisher's Notes. This section, concerning model learning standards in the basic core of knowledge and skills, was

repealed by Acts 2009, No. 1469, § 4. This section was derived from Acts 1999, No. 911, § 1.

SUBCHAPTER 14 — SCHOOL PERFORMANCE REPORT ACT

SECTION.

6-15-1402. Purpose — Report — Confidentiality — Rules.

6-15-1402. Purpose — Report — Confidentiality — Rules.

(a)(1) In order to generally improve public school accountability, to provide benchmarks for measuring individual school improvement, and to empower parents and guardians of children enrolled in Arkansas public schools by providing them with the information to judge the quality of their schools, the Department of Education shall annually prepare and publish a school performance report for each individual public school in the state, including the Arkansas School for the Deaf, the Arkansas School for the Blind, and the Arkansas School for Mathematics, Sciences, and the Arts, and shall distribute the report to the House Committee on Education and the Senate Committee on Education no later than March 15 each year.

(2) The school performance report for each school shall be made available to every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas by posting the school performance report for each school on the website of the department and the website of the school district in which the public schools addressed in the school performance report are located no later than March 15 each year.

(b)(1)(A) The school performance report shall be based on reliable statistical information uniformly required to be collected and submitted by each local school district to the department and shall be published in a format that can be easily understood by parents or guardians who are not professional educators.

(B) The information necessary to produce the school performance report, including the names and addresses of parents and guardians, shall be filed with the department.

(C) The department may contract with individuals or businesses knowledgeable in the areas of graphic and computer design to ensure that the school performance reports required by this subchapter are published in a format that encourages their utilization by the citizens of the state.

(2) The school performance report for elementary schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas and shall include, but not be limited to, the following measures:

- (i) School safety;
- (ii) Norm-referenced test results;
- (iii) Augmented, criterion-referenced, or norm-referenced assessment results;
- (iv) Licensed staff qualifications;
- (v) Total per-pupil spending;
- (vi) Assessment of the local taxpayer investment in the school district;
- (vii) Percentage of students eligible to receive free or reduced-price meals;
- (viii) Average salary of the staff; and
- (ix) Average attendance rates for students; and

(B) Indicate separately whether:

- (i) The school distributed the school's student discipline policy to parents;
- (ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training; and

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702.

(3) The school performance report for middle schools, junior high schools, and high schools shall:

(A) Include three-year trend data and allow parents or guardians to compare the school's performance with state and national averages in areas which shall include, but not be limited to, the following:

- (i) School safety;
- (ii) Norm-referenced test results;
- (iii) Augmented criterion-referenced assessment results;
- (iv) Licensed staff qualifications;
- (v) Per-pupil spending;
- (vi) Assessment of the local taxpayer investment in the school district;
- (vii) Percentage of students eligible to receive free or reduced-price meals;
- (viii) Average salary of the staff;

- (ix) Average attendance rates for students;
- (x) Drop-out rate;
- (xi) Graduation or completion rates;
- (xii) College remediation rate for high schools only;
- (xiii) Collegiate admission test results, including the total number of students in grades nine through eleven (9-11) who took the ACT or SAT; and

(xiv) Student participation in College Preparatory Enrichment Program (CPEP); and

(B) Indicate separately whether:

(i) The school distributed the school's student discipline policy to parents;

(ii) The school's teachers, administrators, classified school employees, and volunteers have been provided with appropriate student discipline training;

(iii) The school district has adopted a parental involvement plan in compliance with § 6-15-1702; and

(iv) The school district provides college preparation and remediation for students who have taken the ACT before their senior year of high school under the Voluntary Universal ACT Assessment Program Act, § 6-18-1601 et seq.

(4) Beginning with the 2017-2018 school year, for the school year covered by a school performance report the report shall include:

(A) The total number of teachers who are employed in the public school; and

(B) Of that total, the number who meet each of the following criteria:

(i) Highly qualified teacher;

(ii) Identified as proficient or above under the Teacher Excellence and Support System for the school; and

(iii) Certified by the National Board for Professional Teaching Standards.

(c) School districts may prepare and distribute supplemental materials concerning the information contained in the school performance reports.

(d) The department is encouraged to:

(1) Include explanatory material regarding efforts to improve the state's public schools on the website of the department with school performance reports; and

(2) Explore the feasibility of incorporating the school improvement plans developed by schools and school districts with the school performance reports.

(e) The school performance report shall not include individual student information if the information is reported in a manner that would identify a particular student.

(f)(1) The department shall not disclose parent or guardian names, addresses, or other identifying information under any circumstances.

(2) Any vendor, contractor, or supplier utilized to provide services under this subchapter shall sign a confidentiality agreement prohibit-

ing the disclosure of parent or guardian names, addresses, or other identifying information.

(g) The Arkansas School for the Blind and the Arkansas School for the Deaf shall submit to the department:

(1) The results of the appropriately adopted student achievement tests for the students enrolled at these schools; and

(2) A list of other schools' programs to which these schools can be compared.

(h) The department may promulgate rules necessary to carry out the purposes of this subchapter.

History. Acts 1999, No. 769, § 2; 2001, No. 775, § 8; 2003, No. 603, §§ 3, 4; 2003, No. 1473, § 5; 2007, No. 1573, §§ 12, 13; 2011, No. 988, § 1; 2011, No. 989, § 17; 2011, No. 1000, § 1; 2011, No. 1209, § 3.

Amendments. The 2011 amendment by No. 988 added (b)(3)(B)(iv).

The 2011 amendment by No. 989 substituted "April 15" for "March 15" in (i).

The 2011 amendment by No. 1000 added (a)(2); substituted "the House Committee on Education and the Senate Committee on Education no later than March 15 each year" for "every parent or guardian of a child in kindergarten through grade twelve (K-12) in the public schools of Arkansas" in (a)(1); redesignated

former (b)(1) as (b)(1)(A) through (C); in (b)(1)(A), deleted "annual" preceding "school performance" and "and distributed to the parents or guardians of children enrolled in the public schools via the postal service" following "educators" in the first sentence and deleted the former second sentence; in (b)(1)(C), substituted "may" for "is strongly encouraged" and deleted the former second sentence; inserted "school performance" in (b)(2) and (b)(3); substituted "licensed" for "certified" in (b)(2)(A)(iv) and (b)(3)(A)(iv); added (b)(3)(A)(xiii); rewrote (d) through (h) and deleted (i).

The 2011 amendment by No. 1209 inserted (b)(4).

SUBCHAPTER 16 — COMMISSION ON CLOSING THE ACHIEVEMENT GAP IN ARKANSAS

SECTION.

6-15-1601. Establishment of Commission on Closing the Achieve-

ment Gap in Arkansas — Members.

6-15-1601. Establishment of Commission on Closing the Achievement Gap in Arkansas — Members.

(a) There is established a commission to be known as the "Commission on Closing the Achievement Gap in Arkansas".

(b) The commission shall consist of eleven (11) members representing the racial and ethnic diversity of Arkansas as follows:

(1)(A) Five (5) persons appointed by the Governor.

(B)(i) One (1) of the Governor's appointees shall be a representative of business and industry in Arkansas, a representative of health and human services, or a public school teacher.

(ii)(a) Four (4) of the Governor's appointees shall be minority or low-income parents concerned about the achievement gap with one (1) representative from each of the four (4) congressional districts.

(b) A minimum of two (2) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be African-American.

(c) A minimum of one (1) of the individuals appointed under subdivision (b)(1)(B)(ii)(a) of this section shall be Hispanic;
(2)(A) Three (3) persons appointed by the President Pro Tempore of the Senate.

(B)(i) One (1) of the President Pro Tempore's appointees shall be a member of the school of education faculty of an historically black college in the state with an accredited school of education.

(ii) One (1) of the President Pro Tempore's appointees shall be a minority who has demonstrated a commitment to education.

(iii) One (1) of the President Pro Tempore's appointees shall be a public school teacher with a special expertise in closing the achievement gap; and

(3)(A) Three (3) persons appointed by the Speaker of the House of Representatives.

(B)(i) One (1) of the Speaker of the House of Representatives' appointees shall be a person who has experience working with children from low income families.

(ii) One (1) of the Speaker of the House of Representatives' appointees shall be a minority who has demonstrated a commitment to education.

(iii) One (1) of the Speaker of the House of Representatives' appointees shall be a public school administrator with a special expertise in closing the achievement gap.

(c)(1) Upon taking office, the initial members shall draw lots to determine the length of their terms.

(2) The term of office shall be for no more than four (4) years.

(3) Appointments shall be for a term of four (4) years.

(d)(1) If a vacancy occurs in an appointed position for any reason, the vacancy shall be filled in the same manner as the original appointment.

(2) The new appointee shall serve for the remainder of the unexpired term.

(e)(1) The Governor shall designate one (1) of his or her appointees to serve as chair for the first year.

(2) Thereafter, the commission members shall annually elect a chair from among themselves.

(f)(1) The commission shall meet at times and places the chair deems necessary but no fewer than four (4) times per calendar year.

(2)(A) Commission members shall attend all meetings with no more than two (2) unexcused absences in a period of eighteen (18) months.

(B) Commission members with more than two (2) unexcused absences in a period of eighteen (18) months shall be automatically removed from the commission, and the original nominating entity for the position shall be notified to fill the vacancy.

(3) No meetings shall be held outside the State of Arkansas.

(4) A majority of the members of the commission shall constitute a quorum for the purpose of transacting business.

(5) All actions of the commission shall be by a majority vote of the full membership of the commission.

(6) A minimum of one (1) meeting shall be held in each of the four (4) congressional districts every thirty-six (36) months.

(g) The commission shall:

(1) Develop a plan for the state designed to enable all public school students to meet the state's student academic achievement standards while working toward the goal of narrowing the achievement gaps in public schools for the following subgroups:

(A) Economically disadvantaged students; and

(B) Students from major racial and ethnic groups;

(2) Monitor the Department of Education's efforts to comply with federal guidelines on improving the academic achievement of the disadvantaged, specifically including, but not limited to, the No Child Left Behind Act of 2001;

(3)(A) Monitor the Department of Education's identification of population groups to be motivated in closing the achievement gap efforts.

(B) The commission may expand the role and scope of the commission to cover specific population groups as identified by the Department of Education as target groups for closing the achievement gaps;

(4) Receive national school lunch data and reports biennially from the Department of Education;

(5) Interface with local school district achievement gap task forces created under § 6-15-1603 to provide data on the achievement gap and achievement gap intervention strategies;

(6) Present a report to the House Committee on Education and the Senate Committee on Education, the Governor, and the State Board of Education no later than November 1 of each year, which shall include without limitation:

(A) Profiles of underachieving students;

(B) Profiles of chronically under-performing schools and school districts;

(C) A review of policies and programs approved by the Department of Education for national school lunch expenditures on closing the achievement gap;

(D) Child poverty statistics in the state and the impact poverty has on education;

(E) Successful strategies with students of poverty;

(F) Best practices for teacher preparation for student and language diversity;

(G) A review of leadership challenges in closing the achievement gap; and

(H) Suggested policy changes to improve the achievement gap at the legislative, Department of Education, school district, and other levels; and

(7) Create a website that contains without limitation:

(A) Notices of upcoming meetings;

(B) The state plan for closing the achievement gap;

(C) A school district plan for closing the achievement gap from each school district;

(D) The membership and contact information for members of the commission and each local school district achievement gap task force;

(E) The minutes from commission meetings;

(F) A clearinghouse for research and other information the commission identifies as important or useful for understanding the achievement gap in the state; and

(G) Other information that the commission deems appropriate.

(h) At the discretion of the Commissioner of Education, the state shall provide resources necessary for the following:

(1) Relevant training for commission members in research-based strategies to close the achievement gap;

(2) Relevant technical experts to assist in drafting and monitoring the department's efforts to comply with federal guidelines on improving the academic achievement of the disadvantaged, specifically including without limitation the No Child Left Behind Act of 2001;

(3) Travel reimbursements for meetings;

(4) Space and resources to conduct public forums; and

(5) Printing and copying costs.

(i) The commission may study and address topics, including, but not limited to:

(1) Understanding children of poverty;

(2) Successful strategies with students of poverty;

(3) Teacher preparation for student diversity;

(4) Response to language diversity;

(5) Methods of hiding the achievement gap;

(6) Success stories;

(7) Obstacles to overcome in closing the achievement gap;

(8) Alternative intervention strategies for closing the achievement gap;

(9) Leadership challenges in closing the achievement gap;

(10) The role of parents, families, and caregivers in closing the achievement gap;

(11) Parental and community diversity;

(12) The relationship of school to environment and student;

(13) The role of school and class size in achievement;

(14) Conditional barriers to student access to additional learning opportunities; and

(15) The profile of underachieving students.

(j) The commission may fund a study on research-based and proven strategies that close achievement gaps among racial, ethnic, and high-poverty groups.

(k)(1) The department shall provide meeting space and clerical support as needed by the commission.

(2)(A) Members of the commission shall serve without pay.

(B) Members of the commission may receive expense reimbursement in accordance with § 25-16-902, to be paid with funds allocated by the state for that purpose.

(l) The commission may accept gifts, grants, and donations for use in carrying out the purpose and duties of the commission.

History. Acts 2003, No. 1777, § 1; 2003 (2nd Ex. Sess.), No. 33, § 1; 2007, No. 1002, § 1; 2009, No. 1314, §§ 1–3.

Amendments. The 2009 amendment rewrote (b), (f), and (g); and added (l).

SUBCHAPTER 17 — PARENTAL INVOLVEMENT PLAN

SECTION.	SECTION.
6-15-1702. Parental involvement plan.	6-15-1705. Incorporation of parental involvement into teacher education programs.
6-15-1703. Professional development.	
6-15-1704. Annual review of parental involvement plans — Monitoring.	

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive

the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-15-1702. Parental involvement plan.

- (a) Each public school district and each public school within its boundaries, in collaboration with parents, shall establish a parental involvement plan, including programs and practices that enhance parental involvement and reflect the specific needs of students and their families.
- (b) The parental involvement program in each school shall:
- (1) Involve parents of students at all grade levels in a variety of roles;
 - (2) Be comprehensive and coordinated in nature;
 - (3)(A) Recognize that communication between home and school should be regular, two-way, and meaningful.
- (B) To encourage communication with parents, the school shall:
- (i) Prepare an informational packet to be distributed annually to the parent of each child in the school, appropriate for the age and grade of the child, describing:
 - (a) The school’s parental involvement program;
 - (b) The recommended role of the parent, student, teacher, and school;
 - (c) Ways for the parent to become involved in the school and his or her child’s education;

(d) A survey for the parent regarding his or her interests concerning volunteering at the school;

(e) Activities planned throughout the school year to encourage parental involvement; and

(f) A system to allow the parents and teachers to communicate in a regular, two-way, and meaningful manner with the child's teacher and the school principal; and

(ii) Schedule no fewer than two (2) parent-teacher conferences per school year.

(C) The school may plan and engage in other activities determined by the school to be beneficial to encourage communication with parents;

(4)(A) Promote and support responsible parenting.

(B) To promote and support responsible parenting, the school shall, as funds are available:

(i) Purchase parenting books, magazines, and other informative material regarding responsible parenting through the school library, advertise the current selection, and give parents an opportunity to borrow the materials for review;

(ii) Create parent centers; and

(iii) Plan and engage in other activities determined by the school to be beneficial to promoting and supporting responsible parenting;

(5)(A) Acknowledge that parents play an integral role in assisting student learning.

(B) To help parents in assisting students, the school shall:

(i) Schedule regular parent involvement meetings at which parents are given a report on the state of the school and an overview of:

(a) What students will be learning;

(b) How students will be assessed;

(c) What a parent should expect for his or her child's education; and

(d) How a parent can assist and make a difference in his or her child's education;

(ii) Provide instruction to a parent on how to incorporate developmentally appropriate learning activities in the home environment, including without limitation:

(a) Role play and demonstration by trained volunteers;

(b) The use of and access to Department of Education website tools for parents;

(c) Assistance with nutritional meal planning and preparation; and

(d) Other strategies or curricula developed or acquired by the school district for at-home parental instruction approved by the Department of Education; and

(iii) Engage in other activities determined by the school to help a parent assist in his or her child's learning;

(6)(A) Welcome parents into the school and seek parental support and assistance.

(B) To welcome parents into the school, the school shall:

(i) Not have any school policies or procedures that would discourage a parent from visiting the school or from visiting a child's classrooms;

(ii) Encourage school staff to use the volunteer surveys to compile a volunteer resource book listing the interests and availability of volunteers so that school staff may:

(a) Determine how frequently a volunteer would like to participate, including the option of just one (1) time per year;

(b) Include options for those who are available to help at home; and

(c) Help match school needs with volunteer interests; and

(iii) Engage in other activities determined by the school to welcome parents into the school;

(7)(A) Recognize that a parent is a full partner in the decisions that affect his or her child and family.

(B) To encourage a parent to participate as a full partner in the decisions that affect his or her child and family, the school shall:

(i) Include in the school's policy handbook the school's process for resolving parental concerns, including how to define a problem, whom to approach first, and how to develop solutions;

(ii) Sponsor seminars to inform the parents of high school students about how to be involved in the decisions affecting course selection, career planning, and preparation for postsecondary opportunities; and

(iii) Engage in other activities that the school determines will encourage a parent to participate as a full partner in the decisions that affect his or her child and family;

(8)(A) Recognize that community resources strengthen school programs, family practices, and student learning;

(B) To take advantage of community resources, the school shall:

(i) Consider recruiting alumni from the school to create an alumni advisory commission to provide advice and guidance for school improvement;

(ii)(a) Enable the formation of a Parent Teacher Association or organization that will foster parental and community involvement within the school.

(b) Leaders of this organization shall be utilized in appropriate decisions affecting the children and families; and

(iii) Engage in other activities that the school determines will use community resources to strengthen school programs, family practices, and student learning; and

(9) Support the development, implementation, and regular evaluation of the program to involve parents in the decisions and practices of the school district, using, to the degree possible, the components listed in this section.

(c)(1) The principal of each school in a school district shall designate one (1) certified staff member who is willing to serve as a parent facilitator to:

- (A) Help organize meaningful training for staff and parents;
- (B) Promote and encourage a welcoming atmosphere to foster parental involvement in the school; and
- (C) Undertake efforts to ensure that parental participation is recognized as an asset to the school.

(2) The certified staff member serving as a parental facilitator shall receive supplemental pay for the assigned duties as required by law.

History. Acts 2003, No. 603, § 1; 2007, No. 307, § 1; 2009, No. 397, § 1; 2009, No. 1469, § 5.

The 2009 amendment by No. 1469 re-designated (b)(3)(B); inserted (b)(3)(ii) and made a related change.

Amendments. The 2009 amendment by No. 397 inserted (b)(5)(B)(ii).

6-15-1703. Professional development.

(a) The State Board of Education's Standards for Accreditation of Arkansas Public Schools and School Districts shall require:

(1) Two (2) or more hours of professional development as part of the annual minimum number of hours of professional development required, designed to enhance understanding of effective parental involvement strategies; and

(2) Three (3) or more hours of professional development as part of the annual minimum number of hours of professional development required, designed to enhance understanding of:

(A) Effective parent involvement strategies; and

(B) The importance of administrative leadership in setting expectations and creating a climate conducive to parental participation.

(b) The Department of Education shall provide the professional development required under this section.

(c) Each school district shall provide training at least annually for volunteers who assist in an instructional program for parents.

History. Acts 2003, No. 603, § 1; 2009, No. 397, § 2; 2011, No. 1002, § 2.

A.C.R.C. Notes. The amendment to § 6-15-1703 made by Acts 2011, No. 1002, § 2 indicated by strike-through that the words "which may be included in the" were to be repealed from (a)(2). The words "which may be included in the" do not appear in (a)(2) as indicated, but rather the words "in addition to the" appear there. A.C.R.C. staff has determined that the intention was to repeal the words "in addition to the" in (a)(2) and § 6-15-1703 is set out above accordingly.

Amendments. The 2009 amendment inserted (b); deleted "By September 1,

2003" in the introductory language of (a); substituted "minimum number of" for "thirty (30)" in (a)(2); and made related and minor stylistic changes.

The 2011 amendment substituted "Professional" for "Staff" in the section heading; in (a)(1), substituted "Two (2) or more" for "No fewer than two (2)" and "as part of the annual" for "opportunities for teachers, which may be included in the"; in (a)(2), substituted "Three (3) or more" for "No fewer than three (3)" and "as part of the annual" for "opportunities for administrators, in addition to the"; added present (b) and redesignated former (b) as (c).

6-15-1704. Annual review of parental involvement plans — Monitoring.

(a) Annually by October 1, every school district shall review and update the school district's parental involvement plan and:

- (1) File a copy of the plan with the Department of Education; and
- (2) Place a copy of the plan on the school district's website.

(b)(1)(A) The department shall:

- (i) Review each plan;
- (ii) Determine whether the plan is in compliance with provisions of this subchapter; and

(iii) Indicate on the school's performance report under § 6-15-1402 whether or not the school district is in compliance with this subchapter.

(B) Periodically on a rotating schedule, the department shall monitor each school district's plan to:

(i) Evaluate whether the school district is implementing its plan and the implementation's effectiveness; and

(ii) Assess the areas in which a school district needs to revise its plan or its implementation of the plan.

(C) The department shall place priority for monitoring under subdivision (b)(1)(B) of this section on school districts that have been identified as being in:

- (i) School improvement for two (2) consecutive school years; or
- (ii) Academic distress.

(2) By January 1 of each year, the department shall provide any recommendations in writing to a school district:

(A) Concerning areas of noncompliance with §§ 6-15-1701 — 6-15-1703; or

(B) As a result of the department's monitoring under subdivision (b)(1)(B) of this section.

(3) The department shall allow the school district an opportunity to implement the department's recommendations.

(4) The State Board of Education shall incorporate the provisions of this subsection into its rules for parental involvement plans.

History. Acts 2003, No. 603, § 2; 2011, No. 1002, § 1.

Amendments. The 2011 amendment added "Monitoring" to the section heading; substituted "Annually by October 1" for "Beginning on October 1, 2004, and by

each October 1 thereafter" in (a); added the (a)(1) designation and added (a)(2); added the (b)(1)(A), (b)(1)(A)(i) through (b)(1)(A)(iii) designations, and added (b)(1)(B); and rewrote (b)(2).

6-15-1705. Incorporation of parental involvement into teacher education programs.

The Department of Education and the Department of Higher Education shall collaborate with institutions of higher education to incorporate into teacher and administrator education programs instruction regarding:

- (1) The importance of parental involvement;
- (2) Successful strategies for encouraging a parent to be a partner in his or her child's education; and
- (3) The relationship between cultural diversity and parental involvement.

History. Acts 2003, No. 603, § 5; 2009, No. 397, § 3.

Amendments. The 2009 amendment redesignated the section; inserted "and

administrator" and substituted "instruction" for "information" in the introductory language; added (3); and made related and minor stylistic changes.

SUBCHAPTER 20 — PUBLIC SCHOOL STUDENT PROGRESSION

SECTION.

6-15-2009. Public school assessments and remediation.

6-15-2010. [Repealed.]

SECTION.

6-15-2011. Supplemental Educational Services Transparency Act.

Effective Dates. Acts 2009, No. 1307, § 6: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that end-of-course assessments for public school students assist the state in measuring a student's proficiency in reading, writing, and mathematics, which is essential to academic progression for students; that a specified effective date for this act is essential to the continuity of public student assessments, which begin with an early fall testing cycle, and to the

efficient operation of the Department of Education and the public schools of this state in preparing for the fall 2009 testing cycle; and that this act is immediately necessary because any delay could work irreparable harm to the department, to the public school districts, and to the students. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

6-15-2009. Public school assessments and remediation.

(a)(1) Each student shall participate in the statewide program of educational assessment required in §§ 6-15-419, 6-15-433, and this section and by the State Board of Education.

(2) Each student in grades three through eight (3-8) shall participate in those benchmark assessments required in §§ 6-15-419, 6-15-433, and this section and by the state board.

(3) Students in appropriate grades shall participate in the general end-of-course assessments and high-stakes end-of-course assessments required by §§ 6-15-419 and 6-15-433 as established by the state board and this section.

(4)(A) The state board shall determine the requisite scale score of student performance on each assessment required in subdivisions

(a)(1)-(3) of this section.

(B) The requisite scale score for any high-stakes end-of-course assessment shall be set only at the cut score necessary to demonstrate the minimum satisfactory passing level of that subject.

(5) The state board shall establish by rule the requisite scale score for a general end-of-course assessment and the requisite scale score for high-stakes end-of-course assessments.

(b)(1) Each student identified as not meeting the satisfactory pass levels in the immediate previously administered benchmark assessment shall participate in the remediation activities as required in the student's individualized academic improvement plan beginning in the school year the assessment results are reported.

(2) The Department of Education may determine that an individualized education program for a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., meets the requirements of an individualized academic improvement plan under this section if the individualized education program addresses one (1) or more academic areas in which the student is not proficient on state-mandated augmented, criterion-referenced, or norm-referenced assessments.

(3)(A) The public school district where the student is enrolled shall notify the student's parent, guardian, or caregiver of the parent's role and responsibilities as well as the consequences for the student's failure to participate in the plan.

(B) This notice may be provided via student handbooks issued to students.

(4) A student in grades three through eight (3-8) identified as not passing a benchmark assessment and who fails to participate in the subsequent academic improvement plan shall be retained and shall not be promoted to the next appropriate grade until:

(A) The student is deemed to have participated in an academic improvement plan; or

(B) The student passes the benchmark assessment for the current grade level in which the student is retained.

(c)(1) Beginning with the 2009-2010 school year, a student required to take a general end-of-course assessment who is identified as not meeting the requisite scale score for a particular assessment shall participate in the remediation activities as required in the student's individualized academic improvement plan in the school year that the assessment results are reported in order to receive academic credit on his or her transcript for the course related to the end-of-course assessment.

(2) The individualized academic improvement plan shall include remediation activities focused on those areas in which a student failed to pass a general end-of-course assessment.

(3)(A) A student who is identified as not meeting the requisite scale score for a general end-of-course assessment shall not receive academic credit on his or her transcript for the course related to the general end-of-course assessment until the student is identified as

having participated in remediation through an individualized academic improvement plan.

(B) For the purpose of a general end-of-course assessment, remediation does not require that a student pass a subsequent end-of-course assessment in order to receive academic credit for a course.

(d)(1)(A)(i) Beginning with the 2009-2010 school year, all initial high-stakes end-of-course assessments for Algebra I shall be administered by grade ten (10).

(ii) Beginning with the 2014-2015 school year, all initial high-stakes end-of-course assessments for English II shall be administered by grade ten (10).

(iii) A student from an Arkansas public school who completed and received academic credit on an end-of-course assessment for Algebra I before the 2009-2010 school year or for English II before the 2014-2015 school year is not required to participate in and receive academic credit from a high-stakes end-of-course assessment on or after the 2009-2010 school year for Algebra I or on or after the 2014-2015 school year for English II.

(iv) A student transferring into an Arkansas public school on or after 2009-2010 for Algebra I or 2014-2015 for English II who can demonstrate by official transcript from an out-of-state public, private, or home school or an Arkansas private or home school that he or she has previously obtained academic credit for Algebra I or English II is not required to participate in and receive academic credit from an initial high-stakes end-of-course assessment unless the public school district assesses the student's educational status and determines the student does not possess the requisite passing knowledge of Algebra I or English II.

(B)(i) Beginning with the 2009-2010 school year, an Arkansas public school student who is not in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school and has not previously received proper academic credit on his or her transcript for Algebra I but has successfully completed an Algebra I course is required to complete and successfully meet the requisite scale score on a high-stakes end-of-course assessment before the student is entitled to receive academic credit on his or her transcript for Algebra I.

(ii) Only a student who is in grade ten (10), grade eleven (11), or grade twelve (12) in an Arkansas public school in the 2009-2010 school year is exempt from the requirement of taking a high-stakes Algebra I end-of-course assessment, but the student shall meet any general end-of-course assessment requirements for Algebra I.

(iii) Any other student, regardless of the school year or the grade level in which he or she completes an Algebra I course or, beginning with the 2014-2015 school year, the English II course, shall successfully complete an Algebra I and English II high-stakes end-of-course assessment and meet the requisite scale score in order to be entitled to receive academic credit for Algebra I or English II on the student's

transcript, unless exempted under an individualized education program.

(iv) A student transferring into an Arkansas public school district without having obtained academic credit on his or her transcript in or after the 2009-2010 school year for Algebra I and in or after the 2014-2015 school year for English II is not exempt from the requirements of subdivision (d)(1)(B)(iii) of this section.

(C) Beginning with the 2014-2015 school year, an Arkansas public school student who is in grade ten (10) and who has not previously received academic credit under (d)(1)(A) for English II shall successfully complete the course and meet the requisite scale score on the English II high-stakes end-of-course assessment in order for the student to be entitled to receive academic credit for English II on the student's transcript.

(D)(i) A student who does not meet the requisite scale score on the relevant high-stakes end-of-course assessment shall participate in an individualized academic improvement plan.

(ii) An individualized academic improvement plan shall include research-based remediation activities and multiple opportunities for the student to take and pass subsequent high-stakes end-of-course assessments as long as the student remains enrolled in an Arkansas public school and has not reached twenty-one (21) years of age.

(iii) If after two subsequent high-stakes end-of-course assessments a student does not meet the requisite scale score on the initial high-stakes end-of-course assessment, the student shall participate in strand analysis or formative analysis remediation provided and supported by the department before taking a third or subsequent high-stakes end-of-course assessment.

(iv) Subsequent high-stakes end-of-course assessments and associated remediation programs may be administered in an electronic format.

(2) For a student required to participate in an individualized academic improvement plan in subdivision (d)(1)(D) of this section, the individualized academic improvement plan shall identify the student's specific areas of deficiency on the high-stakes end-of-course assessment, the desired levels of performance necessary for the student to meet the satisfactory pass levels, and the instructional and support services to be provided to meet the desired levels of performance.

(3)(A) A public school also shall provide frequent monitoring of the student's progress in meeting the desired levels of performance.

(B) Remedial activities and instruction provided during high school shall not be in lieu of English, mathematics, science, history, or other core courses required for graduation.

(e)(1) Beginning with the 2009-2010 school year for Algebra I and the 2014-2015 school year for English II, a student identified as not passing an initial high-stakes end-of-course assessment shall not receive academic credit on his or her transcript for the course related to the end-of-course assessment and is not entitled to graduate from an Arkansas public high school until:

(A) The student is identified as meeting the requisite scale score on a subsequent high-stakes end-of-course assessment; or

(B)(i) The student is identified as meeting the requisite score established by state board rule on an alternative assessment.

(ii) An alternative assessment shall be an ACT assessment, SAT assessment, advanced placement test, or International Baccalaureate test.

(2)(A) A student identified as having not met the requisite scale score for a high-stakes end-of-course assessment shall not receive academic credit on his or her transcript for the related course until the student meets the requirements of subdivision (e)(1) of this section.

(B) If a student does not meet the requisite scale score on an end-of-course assessment and does not satisfy the remedial requirements of subsection (c) of this section for general end-of-course assessments and subdivision (e)(1) of this section for high-stakes end-of-course assessments, the student shall not be entitled to graduate with a high school diploma from an Arkansas public high school or public charter school.

(f)(1)(A) The state board shall establish the high-stakes end-of-course assessment program required in subsection (d) of this section for Algebra I beginning in the 2009-2010 school year and for English II beginning in the 2014-2015 school year.

(B) Throughout this process, the end-of-course assessment program shall be maintained in such a manner as to meet the requirements of state and federal law, including the full range of students with disabilities.

(2)(A) The superintendent of each public school district shall be responsible for the proper administration of this section and the rules promulgated by the state board to implement the requirements of this section.

(B) To the extent that a public school district is determined to have knowingly failed to administer these provisions of law or rules, the superintendent's license shall be subject to probation, suspension, or revocation under § 6-17-410.

(3) Each year the department shall make public at least fifty percent (50%) of the test questions on the most recent initial benchmark and end-of-course assessments.

(4) The state board shall promulgate rules to establish cut scores, remediation programs required in (d)(1)(D), and other components of the general end-of-course assessment program and high-stakes end-of-course assessment program necessary to administer the provisions of this subsection.

(5)(A) Each school year, the department shall establish and publish by commissioner's memo an end-of-course assessment cycle for general end-of-course assessments and high-stakes end-of-course assessments that a public school district shall follow unless the public school district has obtained a written waiver from the department.

(B) The end-of-course assessment cycle shall include an assessment cycle for a student who does not meet the requisite scale score

for an initial high-stakes end-of-course assessment and is required under this section to pass a subsequent end-of-course assessment before receiving academic credit on the student's transcript for the course that corresponds to the initial end-of-course assessment.

(6)(A) The department shall develop the form of end-of-course assessments and subsequent end-of-course assessments with the documents, manuals, forms, and protocols necessary for the proper administration, completion, submission, and scoring of the assessment.

(B) The assessment shall be composed of sections that may include both multiple choice and open-response test items.

(7) For the 2009-2010 school year and each school year thereafter, the department shall take steps to ensure that the end-of-course assessments are aligned with state standards and that professional development training is available to teachers of courses for which an end-of-course assessment is required.

(8) Within fifteen (15) business days from the date a public school district receives a student's score that indicates the student did not meet the requisite scale score on an initial and subsequent end-of-course assessment required by this section, the public school district shall provide written notice of the failure to the student's parent or guardian.

(9) If a student with disabilities identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. is unable to meet the requirements of this section because of the nature of the student's disabilities, the student may graduate from high school by demonstrating alternative competencies or alternative levels of competency under the student's individualized education program.

(10) In administering the assessments under this section, the public school district shall provide state-approved accommodations for students with state-recognized disabilities and for English language learners as allowed by law and state board rules.

History. Acts 2005, No. 2243, § 1; The 2011 amendment substituted 2007, No. 1573, §§ 14, 15; 2009, No. 1307, § 4; 2011, No. 989, §§ 18–20. “2014-2015” for “2013-2014” throughout (d), (e)(1) and (f)(1)(A).

Amendments. The 2009 amendment rewrote the section.

6-15-2010. [Repealed.]

Publisher's Notes. This section, concerning alternative exit course and alternative course exam, was repealed by Acts

2009, ch. 1307, § 5. This section was derived from Acts 2005, No. 2243, § 1.

6-15-2011. Supplemental Educational Services Transparency Act.

(a) This section shall be known and may be cited as the “Supplemental Educational Services Transparency Act”.

(b) The purposes of this section are to:

(1) Increase academic performance of students and reduce student remediation rates;

(2) Ensure that students who qualify for supplemental educational services receive the services they need;

(3) Assist parents in making informed decisions when selecting supplemental educational service providers; and

(4) Assist policy makers in reviewing the effectiveness of the supplemental educational service providers.

(c) As used in this section:

(1) "Provider" means a person or entity that:

(A) Provides supplemental educational services to Arkansas public school students; and

(B) Is identified on the list of approved supplemental educational service providers published by the Department of Education; and

(2)(A) "Supplemental educational services" means academic instruction:

(i) Provided to public school students in addition to the instruction provided during a school day; and

(ii) Designed to increase the academic achievement of students enrolled in public schools that have been identified as being in year two (2) or higher of school improvement.

(B) "Supplemental educational services" includes without limitation academic assistance such as tutoring, remediation, and other supplemental academic enrichment services that are:

(i) Consistent with the content and instruction used by the school district where the provider's students are enrolled; and

(ii) Aligned with the state's academic content and achievement standards.

(d)(1) A provider shall prepare an annual report and:

(A) Submit the annual report to the department and to the school district where the supplemental educational services are provided; and

(B) Place a copy of the annual report on the provider's website.

(2) The report shall include without limitation the following information:

(A) By race and gender, the improvement in student achievement for each student served based on the statewide benchmark tests or other statewide assessment of student achievement;

(B) Student attendance rates;

(C) The amount of funds the provider received per student;

(D) By school district, the total number of supplemental educational services contracts and the total amount of funds received under those contracts;

(E) The total number of years supplemental educational services have been provided and the total number of students served for all years; and

(F) The results of parent satisfaction surveys.

(e) A school district shall include the provider's report on the school district's website.

(f)(1) Annually, the department shall review the report of a provider before placing the provider on the department's list of state-approved providers.

(2) The department shall include a link for parents to access information concerning approved providers on its website.

(g) By January 15, 2012, and by January 15 of each year thereafter, a provider of supplemental educational services shall also prepare an annual progress report containing at least the information required under subsection (d) of this section to the House Committee on Education and the Senate Committee on Education.

(h) The State Board of Education shall promulgate rules to implement this section.

History. Acts 2011, No. 902, § 2.

A.C.R.C. Notes. Acts 2011, No. 902, § 1, provided: "Legislative Intent.

"(a) The General Assembly finds that under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., students from low-income families attending schools that do not make adequate yearly

progress for three (3) or more years are eligible to receive supplemental educational services.

"(b) To ensure that students needing service are served by quality supplemental services providers, the General Assembly enacts this Supplemental Educational Services Transparency Act."

SUBCHAPTER 21 — SCHOOL RATING SYSTEM

SECTION.

6-15-2107. Arkansas School Recognition Program.

6-15-2107. Arkansas School Recognition Program.

(a) The General Assembly finds that there is a need for an incentive program for outstanding schools. The General Assembly further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(b) The Arkansas School Recognition Program is created to provide financial awards to public schools that are at:

(1) A category level of level 5 or level 4 pursuant to § 6-15-2103 and at least a level 3 pursuant to § 6-15-2102; or

(2) A category level of level 5 or level 4 school pursuant to § 6-15-2102.

(c)(1) If funds are available, a school meeting the requirements set out in subdivision (b)(1) or (2) of this section shall receive performance-based funding in the amount of one hundred dollars (\$100) per student who participated in the school's assessment program.

(2) The Department of Education may disburse available performance-based funding appropriated by the General Assembly on a pro-rata basis.

(3) All schools meeting both criteria shall receive rewards for both categories.

(4) Each school that receives performance-based funding shall submit a proposal for its spending of the performance-based funding to the department.

(5) The department shall:

(A) Review and approve each proposal; and

(B) Approve spending of performance-based funding for academic expenses only as set forth in subsection (f) of this section.

(d) All public schools, including charter schools, that receive school category levels pursuant to §§ 6-15-2102 and 6-15-2103 are eligible to participate in the program.

(e)(1) All eligible schools shall receive performance-based funding.

(2)(A) Funds shall be distributed to the school's fiscal agent and placed in the school's account and shall be used for purposes listed in subsection (f) of this section as determined by a committee which shall include:

(i) The principal;

(ii) A teacher elected by the faculty; and

(iii) A parent representative selected by the local Parent Teacher Association or some other local parental involvement group.

(B) The committee shall make its determination by December 15 of each applicable year.

(f) School recognition awards shall be used for the following:

(1) Nonrecurring bonuses to the faculty and staff;

(2) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

(3) Temporary personnel for the school to assist in maintaining and improving student performance.

(g) The General Assembly shall appropriate and fund sufficient funds to implement this section.

History. Acts 2003 (2nd Ex. Sess.), No. 35, § 6; 2011, No. 989, § 21.

Amendments. The 2011 amendment substituted "If funds are available, a" for "Each" in (c)(1); inserted present (c)(2) and

redesignated the remaining subdivisions accordingly; and substituted "department" for "Department of Education" in (c)(4).

SUBCHAPTER 22 — SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY

SECTION.

6-15-2202. Access to public school infor-

mation on school improvement plans.

6-15-2202. Access to public school information on school improvement plans.

(a) This section is intended to:

(1) Improve student achievement and close achievement gaps among student subgroups by providing public access to comprehensive school improvement plans;

- (2) Improve parental involvement and communication with parents;
- (3) Increase transparency and accountability of public schools and public school districts to the public; and
- (4) Make public school and public school district data more accessible to researchers and policymakers.

(b) By the twentieth day following the date a public school or public school district is required by law or rule to provide the applicable information listed in this subsection (b), a public school district shall post the most recent version of the following information on its website:

(1)(A) The comprehensive school improvement plan developed under the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq. for each public school in the public school district.

(B) A public school that accepts National School Lunch Act funds and national school lunch student state categorical funding under § 6-20-2305 shall report in the public school's comprehensive school improvement plan the following:

(i) A description of how the public school plans to use National School Lunch Act funds and national school lunch student state categorical funds in the current school year; and

(ii) A description of how the school used National School Lunch Act funds and national school lunch student state categorical funds in the previous school year;

(2) The public school district's annual report card and the annual report card of each public school in the public school district;

(3) A parent-friendly explanation of:

(A) The school improvement status of the public school district;

(B) The school improvement status of each public school in the public school district, including the identification of any supplemental educational services available to each public school; and

(C) Why the public school district or any of its public schools are under academic distress, school improvement, or fiscal distress and what the district is doing to be removed from academic distress, school improvement, or fiscal distress;

(4) The public school district's parental involvement plan and the parental involvement plan of all public schools in the public school district and informational packets required under § 6-15-1702 and under the No Child Left Behind Act of 2001; and

(5) Teacher qualifications for all public schools in the public school district under the No Child Left Behind Act of 2001.

(c) Not less than annually, the Department of Education shall monitor compliance with the requirements of this section when the department:

(1) Directly monitors a school for compliance with standards and accreditation; or

(2) Assists a school with its comprehensive school improvement plan.

(d)(1) The department shall report a failure to comply with this section to the State Board of Education.

(2) The state board shall establish by rule that compliance with this section is a requirement for accreditation of a public school or public school district.

History. Acts 2009, No. 1373, § 1.

SUBCHAPTER 26 — THE REWARDING EXCELLENCE IN ACHIEVEMENT PROGRAM

SECTION.

6-15-2605. Application forms and procedures for the Rewarding Excellence in Achievement Program.

SECTION.

6-15-2606. Contents of Rewarding Excellence in Achievement plans.

6-15-2605. Application forms and procedures for the Rewarding Excellence in Achievement Program.

(a)(1)(A) A public school district or public charter school desiring to participate in the Rewarding Excellence in Achievement Program shall submit an application to the State Board of Education.

(B) A public school district may apply on behalf of a single school within the public school district that desires to participate in alternative pay.

(2)(A) The public school district or public charter school shall be selected through a competitive process.

(B) In selecting participants, the State Board of Education shall consider qualified applicants from various locations and of various sizes and demographics.

(3) The state board may approve up to twelve (12) applications.

(b) The state board shall adopt:

(1) An application form, a schedule, and a procedure that must be used to apply for the Rewarding Excellence in Achievement Program; and

(2) Criteria to use in selecting public school districts and public charter schools to participate in the Rewarding Excellence in Achievement Program.

(c) The application form must provide space for including all information required under this subchapter to be contained in a Rewarding Excellence in Achievement plan.

(d) The application procedure shall provide for a phase-in process, beginning with a planning phase for a twelve-month minimum period, to allow applicants access to resources that would allow sufficient research of best practices and to garner community and staff support in submitting a Rewarding Excellence in Achievement plan.

(e)(1) In order to participate in the Rewarding Excellence in Achievement Program, a public school district or public charter school must have an approved comprehensive school improvement plan, as defined in § 6-15-419(9).

(2) Prior to full implementation of a Rewarding Excellence in Achievement plan, the comprehensive school improvement plan of the public school, public school district, or public charter school shall include:

(A) Assessment and evaluation tools to measure student performance and progress based on an achievement gains model;

(B) Performance goals and benchmarks for improvement;

(C) Measures of student attendance and completion rates;

(D) A rigorous professional development system consistent with the comprehensive school improvement plan defined in § 6-15-419(9) and student academic improvement plans as defined in § 6-15-419(2);

(E) Measures of student, family, and community involvement and satisfaction;

(F) A data reporting system about students and their academic progress that provides parents and the public with understandable information;

(G) A teacher induction and mentoring program for probationary teachers that provides continuous learning and sustained teacher support; and

(H) Substantial participation by teachers in developing the Rewarding Excellence in Achievement plan.

(f)(1) As part of the application process, participant schools shall conduct a vote of the teachers with the threshold for acceptance being seventy percent (70%) or another percent established by a majority vote of the teachers and approved by the local board.

(2)(A) A teacher in the participant school or school district may elect not to participate in the Rewarding Excellence in Achievement plan.

(B) If fifty-one percent (51%) or more of a participant school's teachers elect not to participate, the Rewarding Excellence in Achievement plan shall not be implemented.

(g)(1) All recipients of funds provided by the Rewarding Excellence in Achievement Program shall cooperate and share all school demographic and student achievement data with any state-sponsored evaluation of this program.

(2)(A)(i) A public school district or public charter school applicant shall form a committee to consist of public school administrators and teachers, the majority of whom shall be public school teachers.

(ii) The classroom teacher members of the committee shall be elected by a majority of the classroom teachers voting by secret ballot.

(iii) The election shall be solely and exclusively conducted by the classroom teachers, including the distribution of ballots to all classroom teachers.

(B) The committee shall be responsible for:

(i) Creating the school's Rewarding Excellence in Achievement plan; and

(ii)(a) Evaluating the school's Rewarding Excellence in Achievement plan.

(b) The committee shall report to its local board on the evaluation of the school's Rewarding Excellence in Achievement plan.

History. Acts 2007, No. 1029, § 1; 2009, No. 376, §§ 18, 19. "Department of Education" in (a)(2)(B); and substituted "participant" for "participating" in (f)(2)(A).

Amendments. The 2009 amendment substituted "State Board of Education" for

6-15-2606. Contents of Rewarding Excellence in Achievement plans.

(a) A Rewarding Excellence in Achievement plan approved for participation in the Rewarding Excellence in Achievement Program shall describe how:

(1) Teachers can achieve career advancement and additional compensation;

(2) The public school district or public charter school will provide teachers with career advancement options that allow teachers to retain primary roles in student instruction and facilitate site-focused professional development that helps other teachers improve their skills;

(3) The public school district or public charter school will prevent any teacher's compensation paid before implementing the pay system from being reduced as a result of initial implementation of the Rewarding Excellence in Achievement plan;

(4) The forty percent (40%) to sixty percent (60%) performance portion of compensation will be determined;

(5) The forty percent (40%) to sixty percent (60%) knowledge and skill base portion of compensation will be determined;

(6) The plan will reform the steps and lanes salary schedule;

(7) The public school district or public charter school will encourage a collaborative relationship among teachers; and

(8) After full plan implementation, the alternative compensation system will be:

(A) Sustained; or

(B) Phased out if the Rewarding Excellence in Achievement plan evaluation reveals that the plan does not work for the school.

(b) Rewarding Excellence in Achievement plans approved for participation in the Rewarding Excellence in Achievement Program may include provisions regarding the compensation for administrators and other staff members.

(c) Compensation increases for the performance portion of compensation, forty percent (40%) to sixty percent (60%) of the teacher's total compensation, under the Rewarding Excellence in Achievement plan shall include:

(1)(A) Achievement gains of students in each teacher's class on student scores under the statewide assessment program described in § 6-15-433.

(B) Locally selected and Department of Education-approved standardized assessment outcomes for students in each teacher's class may also be included;

(2) Achievement gains of students on a school-wide basis under the statewide assessment program described in § 6-15-433. Locally selected and Department of Education-approved standardized assessment outcomes may also be included; and

(3) The remaining percentage of the performance portion of compensation of the teacher's total compensation shall be based on an objective teacher evaluation program that includes:

(A) An individual objective teacher evaluation conducted by the school principal that is aligned with the comprehensive school improvement plan and professional development plan described in § 6-15-2607; and

(B) Peer objective evaluations using multiple criteria conducted by locally selected and periodically trained evaluators that understand teaching and learning and that include provisions for integrated ongoing site-based professional development activities to improve instructional skills and learning that are aligned with student needs under § 6-15-2009.

History. Acts 2007, No. 1029, § 1; 2009, No. 376, § 20.

Amendment. The 2009 amendment added "describe how" to the end of the

introductory language of (a); deleted "Describe how" from the beginning of (a)(1) through (8); and substituted "facilitate" for "facilitates" in (a)(2).

SUBCHAPTER 27 — CLOSING THE ACHIEVEMENT GAP PROGRAM

SECTION.

6-15-2701. Closing the achievement gap program.

6-15-2701. Closing the achievement gap program.

(a) As used in this section, "chronically underperforming school" means a public school that does not meet adequate yearly progress under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as it existed on July 1, 2009, for three (3) or more consecutive years.

(b)(1) A school district that has a chronically underperforming school shall use its national school lunch state categorical funding under § 6-20-2305(b)(4) to evaluate the impact of educational strategies used by the chronically underperforming school to address the achievement gaps among students in the chronically underperforming school.

(2) The evaluation shall:

(A) Identify the categories of programs and intervention strategies used with national school lunch state categorical funding; and

(B) Report the benchmark assessment scores for the end of the immediately preceding school year and for the end of the current school year of students involved in the programs and intervention strategies identified under this subdivision (b)(2).

(c) The Department of Education shall:

(1) Promulgate rules necessary to implement this section, including without limitation establishing the categories by which a chronically

underperforming school shall identify programs and intervention strategies under subsection (b) of this section;

(2) In a chronically underperforming school's comprehensive school improvement plan, direct the use of national school lunch state categorical funding for strategies to close gaps in academic achievement, including without limitation:

(A) Using an Arkansas Scholastic Audit;

(B) Using disaggregated school data to set academic improvement targets in reading, writing, mathematics, and science;

(C) Using improvement targets to define professional development needs related to content, instruction, differentiation, and best practices in educating special education students, gifted and talented students, English language learners, and other student subgroups as needed;

(D) Developing interim building-level assessments to monitor student progress toward proficiency on the state benchmark assessments;

(E) Developing a plan to immediately address gaps in learning;

(F) Examining and realigning, as needed, school scheduling, academic support systems, and assignments of personnel; and

(G) Designing a plan for increasing parental knowledge and skill to support academic objectives; and

(3) By August 1 of each year, report to the House Committee on Education and the Senate Committee on Education on:

(A) The use of national school lunch state categorical funding by chronically underperforming schools in the state; and

(B) The status of the achievement gaps at chronically underperforming schools in the state.

(d) The department shall identify the chronically underperforming schools with the largest achievement gaps among students and give to those chronically underperforming schools the department's highest priority for:

(i) Monitoring school improvement plans; and

(ii) Providing support under this subchapter.

History. Acts 2009, No. 949, § 1.

CHAPTER 16

CURRICULUM

SUBCHAPTER.

1. GENERAL PROVISIONS.
3. EARLY CHILDHOOD AND ADULT EDUCATION ACT.
4. COMPUTER TECHNOLOGY.
6. POSTSECONDARY PREPARATORY PROGRAMS.
12. ADVANCED PLACEMENT AND ENDORSED CONCURRENT ENROLLMENT.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

6-16-102. School day.

6-16-140. Vocational or technical course awards.

SECTION.

6-16-141. Credit for participating in Junior Reserve Officer Training Corps.

6-16-102. School day.

(a)(1) As used in this section, “school day” shall mean a day in which classes are in session and students receive at least six (6) hours of instructional time.

(2) Any day in which less than six (6) hours of instructional time are provided to students shall be counted as one-half ($\frac{1}{2}$) of a school day if at least three (3) hours of instructional time are provided to students.

(3) Any day in which less than three (3) hours of instructional time are provided to students shall not be counted as any part of a school day.

(4) A school district may include as part of the school day the travel time between public schools or other educational programs of those students attending classes or programs authorized by law.

(b) Notwithstanding subsection (a) of this section, the State Board of Education shall promulgate regulations to prescribe the credit to be given students for attending school for only a portion of a school day because the school is closed due to emergency circumstances which would be hazardous to the health of the students. The state board shall also identify the emergency circumstances.

(c) A school district is deemed to have fulfilled the requirements of subsection (a) of this section if the planned instructional time in each school day does not average less than six (6) hours each day or thirty (30) hours each week.

History. Acts 1983 (Ex. Sess.), No. 45, § 1; 1985, No. 1015, § 1; A.S.A. 1947, § 80-1602; Acts 1999, No. 391, § 5; 2005, No. 2151, § 15; 2011, No. 989, § 22.

Amendments. The 2011 amendment added (c).

6-16-124. Arkansas history — Required social studies course.

A.C.R.C. Notes. Acts 2009, No. 1462, §§ 1, 2 provided: “SECTION 1. (a) There is created the Arkansas Legislative Task Force on Arkansas History Education.

“(b) The task force shall consist of the following members:

“(1) The Commissioner of Education or his or her designee;

“(2) One (1) member of the Senate appointed by the President Pro Tempore of the Senate;

“(3) One (1) member of the House of Representatives appointed by the Speaker of the House of Representatives;

“(4) Two (2) members at large appointed by the Governor;

“(5) Two (2) parents of children enrolled in the public school system appointed by the Governor;

“(6) Two (2) school administrators selected by the Arkansas Association of School Administrators;

“(7) Two (2) teachers of Arkansas history selected by the Arkansas Council for the Social Studies;

“(8) Two (2) members appointed by the Executive Director of the Arkansas Educational Television Network;

"(9) Two (2) members appointed by the Arkansas State Historian;

"(10) Two (2) members appointed by the President of the Arkansas History Education Coalition;

"(11) Two (2) members appointed by the President of the Arkansas Historical Association;

"(12) Two (2) members appointed by the Director of the Department of Arkansas Heritage; and

"(13) Two (2) members appointed by the Director of the Department of Parks and Tourism.

"(c)(1) The member of the House of Representatives and the member of the Senate appointed to the task force under subsection (b) of this section shall serve as cochairs of the task force.

"(2) Meetings of the task force shall be held at least one (1) time every three (3) months but may occur more often at the call of the cochairs or by petition by a majority of the members.

"(3) The task force may solicit, accept, and expend gifts and grants.

"(d) If a vacancy occurs on the task force, the vacancy shall be filled by the same process as the original appointment.

"(e) The task force shall establish rules and procedures for conducting business.

"(f) Legislative members of the task force shall be entitled to receive reimbursement for expenses and per diem at the same rate and from the same source as provided by law for members of the General Assembly attending meetings of interim committees.

"(g) A majority of the members of the task force shall constitute a quorum for transacting any business of the task force.

"(h) The Bureau of Legislative Research shall provide staff for the task force.

"(i) The task force shall be abolished on June 1, 2011."

"SECTION 2. "(a) The Arkansas Legislative Task Force on Arkansas History Education shall:

(1) Assess the status of Arkansas history education in public schools;

"(2) Compile information on the need for and availability of instructional materials for Arkansas history classes;

"(3) Investigate ways state agencies, museums, libraries, professional groups, and other interested parties can contribute to Arkansas history education;

"(4) Review Arkansas history preparation programs for elementary and secondary teachers;

"(5) Identify means for recognizing outstanding teachers of Arkansas history;

"(6) Investigate ways Arkansas history can be used to reinforce instruction in other subject areas; and

"(7) Develop a set of written recommendations for the General Assembly that will improve the Arkansas history curriculum taught in public schools.

"(b) The taskforce shall submit two (2) reports to the House Committee on Education and the Senate Committee on Education consisting of a:

"(1) Status report not later than June 1, 2010; and

"(2) Final report not later than May 1, 2011."

6-16-140. Vocational or technical course awards.

(a) A student who successfully completes an approved vocational or technical career pathway or program of study at a public high school shall be awarded a certificate of attainment that shall be:

(1) Aligned in the appropriate career pathway or program of study; and

(2) Used for consideration of acceptance and advanced placement into an apprenticeship training program.

(b) The Department of Career Education in cooperation with the Department of Education shall determine and issue the appropriate award to a student upon successful completion of the vocational or technical career pathway or program of study.

(c) The Department of Career Education is authorized to promulgate rules as necessary for the implementation of this section.

History. Acts 2009, No. 1376, § 1.

6-16-141. Credit for participating in Junior Reserve Officer Training Corps.

A student who completes two (2) semesters of a Junior Reserve Officer Training Corps program shall receive credit for both of the following requirements for graduation from high school under the rules of the State Board of Education:

- (1) One-half ($\frac{1}{2}$) unit of physical education; and
- (2) One-half ($\frac{1}{2}$) unit of health and safety education.

History. Acts 2011, No. 1231, § 1.

SUBCHAPTER 3 — EARLY CHILDHOOD AND ADULT EDUCATION ACT

SECTION.

6-16-305. Funds for research and demonstration centers — Consultative services.

SECTION.

6-16-306. Vocational-technical high schools.

6-16-305. Funds for research and demonstration centers — Consultative services.

(a) Irrespective of any language in this subchapter, nothing prohibits the General Assembly from providing funds to establish centers for research or demonstration purposes in order to provide state-level leadership in early childhood education.

(b) In such instances, however, the funds shall be appropriated for the use of the State Board of Education and shall be subject to cooperative agreements in writing between the Department of Education and the sponsoring teacher training institutions or school districts.

(c) Available funds may be used by the department for the purpose of securing consultative services.

(d)(1) In that eventuality, the department shall certify that the expenditures are reasonable and are within customary amounts paid for the services.

(2) An annual report of the expenditures shall be filed with the Department of Finance and Administration, the Legislative Council, and the Legislative Joint Auditing Committee.

(e) Moreover, full-time state employees shall not be reimbursed for consultative services but may be reimbursed for expenses incurred in participating in these programs in instances where their services have been authorized by the Commissioner of Education or the Director of the Department of Career Education.

History. Acts 1969, No. 63, § 8; A.S.A. 1947, § 80-1651; Acts 2009, No. 376, § 21.

Amendments. The 2009 amendment

substituted “State Board of Education” for “board” in (b); and made minor stylistic changes in (a) and (b).

6-16-306. Vocational-technical high schools.

(a) Nothing in this subchapter shall be construed as prohibiting a school district from operating a designated, approved area vocational-technical high school in keeping with federal or state legislation and State Board of Career Education regulations pertaining thereto.

(b) Enrollments in area vocational-technical high schools include domiciliary residents and residents from outside the school district.

(c) Enrollments in such institutions may include students twenty-one (21) years of age or younger and students twenty-one (21) years of age or older.

(d) The provision found in § 6-16-308 prohibiting students who have attained the age of twenty-one (21) from attending the public schools from kindergarten through grade twelve (K-12) shall not be applicable with reference to the area vocational-technical high school.

History. Acts 1969, No. 63, § 12; A.S.A. 1947, § 80-1655; Acts 2009, No. 376, § 22. **Amendments.** The 2009 amendment made minor stylistic changes in (c).

SUBCHAPTER 4 — COMPUTER TECHNOLOGY

SECTION.
6-16-409. [Repealed.]

6-16-409. [Repealed.]

Publisher's Notes. This section, concerning the Advisory Committee on Educational Access to Technology, was repealed by Acts 2009, No. 376, § 23. The section was derived from Acts 2003, No. 1081, § 1.

SUBCHAPTER 6 — POSTSECONDARY PREPARATORY PROGRAMS

SECTION.
6-16-601. Authority.
6-16-602. Programs generally.
6-16-603. Local programs mandated — Placement test.

SECTION.
6-16-604. Student enrollment.
6-16-605. Testing — Acceptance of test scores.
6-16-606. Elective credit.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the

bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

Acts 2011, No. 879, § 4[3]: Mar. 31, 2011. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that preparing public school students for college and career readiness is a high priority of the state’s educational and economic development systems; that the substantial cost to remediate high school students at the postsecondary level will be reduced by increasing access to postsecondary preparatory programs for public school students in grades eight through eleven (8-11) who are identified as scoring below college readiness benchmarks; and that this act is

immediately necessary so that the Department of Education may approve applications and distribute funding for the expanded postsecondary preparatory programs for the current school year. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-16-601. Authority.

(a) As used in this section:

(1) “College readiness assessment” means a test that measures student readiness for postsecondary learning and is:

(A) Administered under the Arkansas College and Career Readiness Planning Program, § 6-15-441; or

(B) Used by institutions of higher education as part of their admissions, placement, and scholarship processes;

(2)(A) “College readiness benchmark” means the minimum score on a college readiness assessment in mathematics, English, or reading indicating that a student has a high probability of success in entry level postsecondary education.

(B) College readiness benchmarks are determined by the Arkansas Higher Education Coordinating Board and the State Board of Education;

(3) “Eligible student” means a public school student in Arkansas who:

(A) Is enrolled in any of grades eight through eleven (8-11);

(B) Is identified through a college readiness assessment as scoring below the college readiness benchmark in mathematics, English, or reading;

(C) Has received the counseling required under § 6-16-602; and

(D) Desires to enroll in postsecondary education;

(4) “Placement test” means a test for entrance to postsecondary education that is either:

(A) Approved by the State Board of Education; or

(B) Designated by the Department of Higher Education; and

(5) “Postsecondary preparatory program” means an intensive program approved under this subchapter that is focused on preparing students for entry level postsecondary work in the areas of mathemat-

ics, English, and reading based on identified needs for college enrollment and placement.

(b)(1) The State Board of Education shall promulgate rules under which the following may operate postsecondary preparatory programs in Arkansas:

(A) School districts;

(B) Institutions of higher education; or

(C) A partnership of a school district and an institution of higher education.

(2) The rules shall include without limitation:

(A) The number and location of sites for postsecondary preparatory programs, if necessary;

(B) The minimum and maximum class sizes for postsecondary preparatory programs;

(C) That a school district may use national school lunch student categorical funding received under § 6-20-2305 to operate and support a postsecondary preparatory program; and

(D) The forms and procedures necessary to implement this subchapter.

(c) The Department of Education shall:

(1) Approve content guides for postsecondary preparatory programs with assistance from the Department of Higher Education; and

(2)(A) Approve or disapprove the annual application of a postsecondary preparatory program after:

(i) Reviewing evidence of the postsecondary preparatory program's performance and success; and

(ii) Giving priority for approval and funding to a postsecondary preparatory program operated by a partnership between a school district and an institution of higher education.

(B) The Department of Education shall not approve an application under this subdivision (c)(2) unless the postsecondary preparatory program meets the criteria under this subchapter and established by state board rules.

(d)(1) In collaboration with the Department of Higher Education, the Department of Education shall collect and analyze the following data from postsecondary preparatory programs:

(A) The total number of participants;

(B) The number of participants who were eligible for free and reduced-price meals under the National School Lunch Act;

(C) The total number of participants in each curriculum area identified in § 6-16-602;

(D) The progress of participants monitored in the postsecondary preparatory program through the use of college readiness assessments;

(E) The placement test scores of participants;

(F) The number of participants who enrolled in postsecondary preparatory programs in Arkansas and:

(i) Scored lower than the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for college placement; or

(ii) Scored at or higher than the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for college placement;

(G) The number and type of postsecondary preparatory programs approved;

(H) The school operating the postsecondary preparatory programs approved; and

(I) The amount of funding the Department of Education distributed to each postsecondary preparatory program.

(2) The Department of Education shall:

(A) Store the student data collected under this subsection in the Arkansas Public School Computer Network;

(B) Present the data analysis under this subsection in the annual school performance reports as required under § 6-15-1402; and

(C) Annually release to the General Assembly the data collected under this subsection after removing any personally identifiable student information.

History. Acts 1989, No. 11, § 1; 2011, No. 879, § 2.

Amendments. The 2011 amendment rewrote the section.

6-16-602. Programs generally.

(a) The postsecondary preparatory programs established under authority of this subchapter shall:

(1) Provide advice that will better prepare eligible students for entry-level postsecondary work in the areas of mathematics, English, and reading;

(2) Improve diagnostic efforts, counseling, placement, and instruction for eligible students;

(3)(A) Provide intensive remedial instruction to eligible students enrolled in the postsecondary preparatory program in one (1) or more of the following curriculum areas:

(i) Mathematics;

(ii) English; or

(iii) Reading.

(B) Each curriculum area shall consist of twenty-five (25) hours or more of instruction;

(4)(A) Use instructors with appropriate content knowledge and specialized training developed by the Department of Education for instructors of developmental education.

(B) A postsecondary preparatory program may use an instructor who does not hold an Arkansas teaching license if the nonlicensed instructor works together with an instructor who holds a current Arkansas teaching license;

(5) Effectively use college readiness assessments to monitor the progress of participants in the postsecondary preparatory program;

(6) Use innovative teaching and learning strategies that are designed to be effective with participants in the postsecondary preparatory program;

(7) Document evidence of its performance and the success of its participants; and

(8) Meet other requirements established by rule.

(b) A postsecondary preparatory program shall not receive funding under this subchapter unless the postsecondary preparatory program files an annual application with the Department of Education and the application is approved under § 6-16-601.

(c) A postsecondary preparatory program may be open for attendance:

(1) On one (1) or more days from Monday through Saturday; and

(2) During any hours that participants are not required to attend public school.

History. Acts 1989, No. 11, §§ 2, 4; 2011, No. 879, § 2.

Amendments. The 2011 amendment inserted “postsecondary preparatory” in the introductory language of (a); inserted “eligible” in (a)(1); substituted “eligible

students” for “secondary school students based on identified needs for college enrollment and placement” in (a)(2); inserted (a)(3) through (a)(8); rewrote (b); and added (c).

6-16-603. Local programs mandated — Placement test.

(a) Every public school in Arkansas shall:

(1) Identify eligible students under this subchapter using the results from college readiness assessments under the Arkansas College and Career Readiness Program, § 6-15-441; and

(2)(A) Provide the counseling required under subsection (b) of this section.

(B) The public school shall make every reasonable effort to involve parents or guardians in student counseling and placement of students.

(b) A public school counselor serving students in any of grades eight through eleven (8-11) shall:

(1) Counsel and strongly encourage each student enrolled in grades eight through eleven (8-11) who is identified through college readiness assessments as not meeting the college readiness benchmarks in mathematics, English, or reading to enroll in a postsecondary preparatory program;

(2) Advise each public school student enrolled in grade eleven (11) in Arkansas that the student may take a placement test under § 6-16-605; and

(3) Counsel and strongly encourage each student who takes a placement test under § 6-16-605 and scores below the statewide minimum scores established by the Arkansas Higher Education Coordinating Board for mathematics, English, or reading to enroll during the

student's senior year of high school in regular school instructional courses designated by:

(A) Local school officials to assist in the improvement of the student's scores in the areas of deficiency; and

(B) The Department of Education and the Department of Higher Education as an appropriate course for college readiness.

History. Acts 1989, No. 11, § 3; 1989, No. 659, § 1; 1991, No. 650, § 1; 2011, No. 879, § 2.

Amendments. The 2011 amendment rewrote the section.

6-16-604. Student enrollment.

(a)(1) An eligible student may enroll in a postsecondary preparatory program during:

(A) A school year;

(B) The summer months following a school year in which the student is enrolled in any of grades eight through eleven (8-11) in an Arkansas public school; or

(C) Both of the periods described in subdivisions (a)(1)(A) and (B) of this section.

(2) An eligible student shall receive priority for enrollment in a postsecondary preparatory program if the eligible student qualifies for free and reduced price meals under the National School Lunch Act, 42 U.S.C. § 1751 et seq.

(3) If space and funding are available after all eligible students who applied to attend a postsecondary preparatory program are enrolled, the Department of Education may permit a public school student to enroll in a postsecondary preparatory program if the student:

(A) Scores below college readiness benchmarks on a college readiness assessment or placement test; and

(B) Either:

(i) Is enrolled in grade twelve (12) in Arkansas; or

(ii) Will enroll in the postsecondary preparatory program within three (3) months of graduating from an Arkansas high school.

(b) An eligible student may enroll in one (1) or more of the curriculum areas in which the eligible student has scored below the college readiness benchmark as identified by college readiness assessments.

(c) The opportunity to participate in a postsecondary preparatory program under this subchapter shall not be interpreted as mandating the Department of Education to fund postsecondary preparatory programs at a cost in excess of the funds appropriated and funded in the Public School Fund for this purpose.

History. Acts 1989, No. 11, §§ 3, 4; 1989, No. 659, § 1; 1991, No. 650, §§ 2, 3; 2007, No. 1573, § 56; 2009, No. 1469, § 6; 2011, No. 879, § 2; 2011, No. 989, § 23.

A.C.R.C. Notes. To effectuate the intent of the General Assembly, § 6-16-604

is set out above as amended by Acts 2011, No. 879, § 2. Subsection (a) of § 6-16-604 was also amended by Acts 2011, No. 989, § 23 as follows:

"(a)(1) A student who plans to enroll in a postsecondary program in Arkansas

may enroll in a state-approved intensive noncredit preparatory program during the summer following the junior year of high school.

“(2) The Department of Education may permit an Arkansas high school graduate to enroll in a program.

“(3) If a school district has available capacity after all students who have completed the eleventh grade and all high school graduates have been given the op-

portunity to participate in the program, the department may permit a student who has completed the tenth grade to enroll in the program.”

Amendments. The 2009 amendment rewrote (b)(1).

The 2011 amendment by No. 879 rewrote the section.

The 2011 amendment by No. 989 added (a)(3).

6-16-605. Testing — Acceptance of test scores.

(a) A student may take a placement test at no cost to the student at the date, time, and location set by the State Board of Education if the student:

(1) Is enrolled in grade eight (8) or grade (10) in a public school of Arkansas; or

(2) Completes a postsecondary preparatory program successfully and in the student's senior year of high school enrolls in a mathematics or English language arts course that is designated by the Department of Education and the Department of Higher Education as an appropriate course for college readiness.

(b) At the request of a student, the student's score on a placement test taken under authority of this subchapter will be made available to and will be accepted by and recognized toward meeting enrollment requirements of state-supported colleges, universities, and postsecondary vocational schools in Arkansas.

History. Acts 1989, No. 11, § 5; 2011, No. 879, § 2.

Amendments. The 2011 amendment added (a); and rewrote present (b).

6-16-606. Elective credit.

(a) A public high school shall award one (1) unit of credit as an elective for successfully completing a postsecondary preparatory program under this subchapter.

(b) The unit of credit awarded under this section does not count toward the minimum number of credits required by law for high school graduation.

History. Acts 2011, No. 879, § 2.

SUBCHAPTER 12 — ADVANCED PLACEMENT AND ENDORSED CONCURRENT ENROLLMENT

SECTION.

6-16-1204. Implementation.

6-16-1204. Implementation.

(a)(1) In order to prepare students for the rigor inherent in Advanced Placement courses, school districts shall offer pre-Advanced Placement courses to prepare students for the demands of Advanced Placement coursework.

(2) The Department of Education shall approve all classes designated as pre-Advanced Placement courses.

(b) An endorsed concurrent enrollment course must meet the following requirements:

(1) The course must be a course offered by an institution of higher learning in this state that is:

(A) Approved through the institution of higher learning's normal process; and

(B) Listed in the institution of higher learning's catalog;

(2) The course content and instruction must meet the same standards and adopt the same learning outcomes as those developed for a course taught on the campus of the institution of higher education, including without limitation:

(A) The administration of any departmental exams applicable to the course; and

(B) The use of substantially the same book and syllabus as is used at the college level;

(3) The course must be taught by an instructor with the qualifications required under § 6-16-1203(b);

(4) The institution of higher education offering the course must:

(A) Provide to the course instructor staff development, supervision, and evaluation; and

(B)(i) Provide the students enrolled in the course with:

(a) Academic guidance counseling; and

(b) The opportunity to utilize the on-campus library or other academic resources of the institution of higher education.

(ii) Nothing in this subdivision (b)(4) shall preclude institutions of higher education from collaborating to meet the requirements of this subdivision (b)(4);

(5) To be eligible to enroll in an endorsed concurrent enrollment course, the student must:

(A) Be admitted by the institution of higher education as a non-degree or non-certificate seeking student; and

(B) Meet all of the prerequisites for the course in which he or she is enrolled; and

(6)(A) Credit for the endorsed concurrent enrollment course may only be awarded by the institution of higher education offering the course.

(B) Nothing in this subdivision (b)(6) shall preclude institutions of higher education from collaborating to provide the course and award course credit.

(c) Beginning with the 2008-2009 school year, all school districts shall offer one (1) College Board Advanced Placement course in each of

the four (4) core areas of math, English, science, and social studies for a total of four (4) courses.

(d)(1) The requirement under subsection (c) of this section shall be phased in over a period of four (4) years beginning with the 2005-2006 school year.

(2) Beginning with the 2008-2009 school year, all high schools in Arkansas shall offer a minimum of four (4) Advanced Placement courses by adding at least one (1) core course each year to the list of courses available to high school students.

(e)(1)(A) A state-supported two-year or four-year institution of higher education may offer a reduced tuition rate for endorsed concurrent enrollment courses offered by the institution of higher education to high school students under this subchapter.

(B) The reduction in tuition shall be considered an institutional scholarship.

(2) The number of students enrolled and the semester credit hours for endorsed concurrent enrollment courses shall be included in the calculation of full-time-equivalent enrollment for the institution of higher education.

History. Acts 2003 (2nd Ex. Sess.), No. 102, § 1; 2007, No. 936, § 3; 2009, No. 1451, § 1. **Amendments.** The 2009 amendment added (e).

CHAPTER 17

PERSONNEL

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. PERSONNEL POLICIES.
3. EMPLOYMENT AND ASSIGNMENT.
4. LICENSURE GENERALLY.
6. LICENSED PERSONNEL TESTING PROGRAM.
7. IN-SERVICE TRAINING.
8. TEACHERS' SALARIES GENERALLY.
9. THE ARKANSAS TEACHERS' SALARY LAW.
11. INSURANCE.
12. TEACHERS' MINIMUM SICK LEAVE LAW.
15. TEACHER FAIR DISMISSAL ACT.
19. MINORITY RECRUITMENT.
23. PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES.
24. TEACHER COMPENSATION PROGRAM OF 2003.
26. LIFETIME TEACHING LICENSE.
27. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND.
28. TEACHER EXCELLENCE AND SUPPORT SYSTEM.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 6-17-111. Duty-free lunch period.
- 6-17-112. Corporal punishment — Immunity from liability.

6-17-111. Duty-free lunch period.

(a)(1) Each school district in this state shall provide at least a thirty-minute uninterrupted duty-free lunch period during each student instructional day for each licensed school employee in its employment.

(2) Any teacher not receiving a duty-free lunch period during each student instructional day as provided in subdivision (a)(1) of this section shall be compensated at his or her hourly rate of pay for each missed lunch period.

(3) A school district shall be exempt from the provisions of this subsection if:

(A) It has collectively negotiated a contract through a local teachers' association; and

(B) The collectively negotiated contract expressly addresses a duty-free lunch period.

(b) Lunchroom supervisors who have been in-serviced may be volunteers, noncertified personnel, or aides.

History. Acts 1987, No. 558, § 1; 2001, No. 1373, § 1; 2005, No. 1881, § 1; 2011, No. 989, § 24.

Amendments. The 2011 amendment substituted "licensed" for "certified" in (a)(1).

6-17-112. Corporal punishment — Immunity from liability.

(a) Teachers and administrators in a school district that authorizes use of corporal punishment in the school district's written student discipline policy shall be immune from any civil liability for administering corporal punishment to students, provided only that the corporal punishment is administered in substantial compliance with the school district's written student discipline policy.

(b) As used in subsection (a) of this section, "teachers and administrators" means those persons employed by a school district and required to have a state-issued license as a condition of their employment.

History. Acts 1994 (2nd Ex. Sess.), No. 51, §§ 3, 5; 2011, No. 989, § 25.

substituted "license" for "certificate" in (b).

Amendments. The 2011 amendment

SUBCHAPTER 2 — PERSONNEL POLICIES

SECTION.	SECTION.
6-17-201. Personnel policies require-ments.	6-17-205. Organization and duties of committee.
6-17-204. Incorporation into teachers' contracts.	6-17-209. Interim personnel policy com-mittees.

6-17-201. Personnel policies requirements.

(a) Each school district in the state shall have a set of written personnel policies, including the teacher salary schedule.

(b) "Personnel policies" means all school district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a teacher's employment.

(c) The personnel policies shall include, but are not limited to, the following terms and conditions of employment:

- (1) Benefits;
- (2) Compensation;
- (3) Designation of workdays;
- (4) Holidays and noninstructional days;
- (5) The annual calendar;
- (6) Methods of evaluations;
- (7) Extra duties;
- (8) Leave;
- (9) Grievances;
- (10) Dismissal or nonrenewal;
- (11) Reduction in force; and
- (12) Assignment of teacher aides.

(d)(1)(A) A school district shall not receive in any year any additional funding from the Public School Fund unless the school district posts by September 15 its current personnel policies on the school district's website, including the salary schedule as required by this subchapter.

(B) A written copy of the policies signed by the president of the local school board of directors shall be retained by the school district in a central records location.

(2) By September 15 of each year, a school district shall provide the Department of Education with the website address at which its current personnel policies, including the salary schedule, may be found.

(e) The department shall notify any school district that has not filed its policies in accordance with this section.

History. Acts 1987, No. 687, § 1; 1991, No. 170, § 1; 1999, No. 391, § 6; 2003, No. 1120, § 1; 2005, No. 2121, § 3; 2011, No. 989, § 26.

Amendments. The 2011 amendment rewrote (d)(1)(A) and (d)(2).

6-17-204. Incorporation into teachers' contracts.

(a) The personnel policies of all school districts shall be considered to be incorporated as terms of the licensed personnel contracts and shall be binding on the licensed personnel and the school district.

(b)(1) Any changes or additions to the personnel policies shall not be considered a part of licensed personnel contracts until the next fiscal year.

(2)(A) Any changes or additions to the personnel policies may take effect before the next fiscal year only if the changes or additions are approved by a majority of the licensed personnel employed by the school district voting by secret ballot.

(B) The voting and counting shall be conducted by the personnel policy committee.

(3) All changes or additions to the personnel policies or new personnel policies shall be made in accordance with this subchapter.

(c)(1) Notwithstanding the provisions listed in subsection (b) of this section, any change or addition to the personnel policies adopted by the school board of directors on or before June 30 each year to ensure compliance with state or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year.

(2) Any changes or additions to the personnel policies adopted by the school board of directors between May 1 and June 30 each year that are not required to ensure compliance with state or federal law or regulation shall be considered a part of licensed personnel contracts on July 1 of the same calendar year if:

(A) A notice of the change is sent no later than five (5) working days after final board action by first class letter to the address on record in the personnel file of each affected employee; and

(B) The notice of change includes:

(i)(a) The new or modified policy.

(b) A modified policy shall be provided in a form that clearly shows additions underlined and deletions stricken; and

(ii)(a) A provision that states that due to the policy change, each continuing employee under contract shall have the power to unilaterally exercise the power of rescission within a period of thirty (30) days after the school board of directors takes final action by providing to the school board of directors a notice of rescission in the form of a letter of resignation during the period of thirty (30) days.

(b) For continuing contract employees covered under the Teacher Fair Dismissal Act of 1983, the power of rescission in this section shall be in addition to the power of rescission provided under § 6-17-1506.

(d)(1) A school district shall adopt, in accordance with this subchapter, a supplement to the salary schedule for those licensed staff employed longer than the period covered by the salary schedule and for duties in addition to licensed employees' regular teaching assignments.

(2) Compensation policies approved by the personnel policy committee shall not apply to the chief administrator who is charged with administration of salary policy for all employees.

(3) A licensed employee may not waive payment according to the salary schedule.

(e) Under §§ 6-5-307(a) and 6-20-412 a school district is not prohibited from paying a licensed employee additional salary increases as a supplement to the salary schedule even though the licensed employee is not employed an additional time period longer than the period covered by the salary schedule or required to perform duties in addition to the licensed employee's regular teaching assignments.

History. Acts 1983, No. 224, §§ 1, 2; § 3; 2011, No. 186, § 1; 2011, No. 981, A.S.A. 1947, §§ 80-1258.1, 80-1258.2; § 4; 2011, No. 989, § 27.
 Acts 1995, No. 1260, § 1; 1997, No. 931, **A.C.R.C. Notes.** Acts 2009, No. 1180, § 1; 2001, No. 1485, § 1; 2009, No. 1180, § 4, provided: "The document attached

hereto titled 'Prologue' contains the findings concerning the history of school board functions. The document, 'Prologue', shall be filed in the journals of the House and Senate."

Amendments. The 2009 amendment rewrote (c)(1); redesignated (c)(2) as (d), and redesignated the remaining subsection accordingly; substituted "licensed" for "certified" in two places in (d)(1); substituted "licensed employee" for "certified person" in (d)(2); in (e), deleted "the provisions of The Educator's Compensation

Act of 2001, § 6-17-2101 et seq. [Repealed]" following "Under," substituted "licensed employee" for "certified staff" in two places, and substituted "licensed employee's" for "certified employees"; and made related and minor stylistic changes.

The 2011 amendment by identical acts Nos. 186 and 981 inserted "not" following "district is" in (e).

The 2011 amendment by No. 989 substituted "licensed personnel" for "certified personnel" throughout (a) through (c).

6-17-205. Organization and duties of committee.

(a)(1) Each school district's committee on personnel policies shall organize itself in the first quarter of each school year and elect a chair and a secretary.

(2) The committee shall develop a calendar of meetings throughout the year to review the school district's personnel policies in order to:

(A) Determine whether additional policies or amendments to existing policies are needed;

(B) Review any policies or changes to policies proposed by the board of directors;

(C) Propose additional policies or amendments to the board of directors; and

(D) Review any proposed distribution of a salary underpayment from previous years.

(3) Minutes of the committee meetings shall be promptly reported and distributed to members of the board of directors and posted in the buildings of the school district, including the administrative offices.

(b)(1) Either the committee or the board of directors may propose new personnel policies or amendments to existing policies.

(2) New personnel policies or amendments to existing personnel policies proposed by the board of directors may not be voted on by the board of directors as a school district policy unless the final form of the policy to be voted on has been submitted as a proposed policy to the committee for consideration at least ten (10) working days before the vote of the board of directors.

(3)(A) The superintendent may recommend any changes in personnel policies to the board of directors or to the personnel policies committee.

(B) The recommendations may then become proposals at the discretion of either the board of directors or the committee.

(c) The chair of the committee or a committee member designated by the chair shall be placed on the board of directors' agenda and shall have the opportunity to orally present to the board of directors the committee's comments, positions, or proposals on the final form of any proposed policies or amendments to existing policies, whether proposed by the committee or the board of directors, before they are voted on by the board of directors as school district policies.

(d) After the oral presentation to the board of directors, the board of directors may take final action immediately, but final action shall be taken no later than its next regular board of directors meeting.

(e) The board of directors may adopt, reject, or refer back to the committee on personnel policies for further study and revision any proposed policies or amendments to existing policies that are submitted to the board of directors for consideration by the committee.

History. Acts 1987, No. 687, § 3; 1993, No. 902, § 1; 1993, No. 1108, § 1; 1993, No. 1187, § 1; 1997, No. 1031, § 1; 2009, No. 1493, § 1.

Amendments. The 2009 amendment inserted (a)(2)(B) and (a)(2)(C); rewrote

(b) and (c); in (d), inserted “the oral” and substituted “may take final action immediately, but final action shall be taken” for “shall take action”; and added “by the committee” in (e) and made a minor stylistic change.

6-17-209. Interim personnel policy committees.

(a) For purposes of this section, the following definitions shall apply:

(1) “Consolidation” means any reorganization, merger, collapse, or annexation of any school districts or portions of any school districts either voluntarily or involuntarily;

(2) “Interim policy review board” means a board consisting of the presidents of the school district boards of directors of the school districts to be consolidated that shall be formed for the purpose of reviewing and adopting a uniform set of policies under this section; and

(3) “New school district” means the resulting school district after consolidation.

(b)(1) As soon as possible after the school boards of directors or the qualified electors of the school districts agree to be consolidated or as soon as possible after any decision is made that the school districts are to be involuntarily consolidated, the personnel policy committee of each of the school districts involved in the consolidation shall meet individually and elect members to form an interim personnel policy committee for the new school district.

(2) The personnel policy committees of the existing school district shall elect:

(A)(i) If three (3) or fewer school districts are consolidating, three (3) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; or

(ii) If four (4) or more school districts are consolidating, two (2) existing teacher members of the personnel policy committee from each school district to serve on the interim personnel policy committee; and

(B) One (1) administrator from each of the school districts to serve on the interim personnel policy committee.

(3)(A) The interim personnel policy committee shall elect a chair and a secretary, both of whom shall be classroom teachers, and schedule a calendar of meetings to review all the written uniform policies of

the respective school districts that affect the terms and conditions of the teachers' employment.

(B) The interim personnel policy committee shall put together a proposed set of policies for the new school district from the written policies.

(c)(1) After drafting a proposed set of policies for the new school district, the interim personnel policy committee shall meet with the interim policy review board of the new school district to present and explain to the interim policy review board the proposed set of policies for the new school district.

(2) Upon request of the interim personnel policy committee, the interim policy review board shall be entitled to and shall organize itself and meet with the interim personnel policy committee at least twice before June 1 of the school year prior to consolidation for the purpose of reviewing, receiving, and discussing with the interim personnel policy committee the proposed policies for the new school district.

(d) The interim personnel policy committee shall serve as the personnel policy committee of the new school district until a new personnel policy committee is formed and successor personnel policy committee members are elected pursuant to this subchapter or until the new school district chooses to officially recognize in its policies an organization representing a majority of the teachers in the school district for purposes of negotiating as provided for under this subchapter.

(e)(1) The interim policy review board shall adopt a uniform set of policies before the effective date of the consolidation that shall be the personnel policies for the new school district.

(2) In the event the interim policy review board decides to adopt any policy or policies different from those proposed by the interim personnel policy committee, the interim policy review board shall submit the proposals to the interim personnel policy committee at least seven (7) calendar days before being considered for adoption by the interim policy review board.

(3) The chair of the interim personnel policy committee or a committee member designated by the chair will have the opportunity to comment orally on any of the interim policy review board's proposals before their adoption.

(4) Any written policy of a new school district that affects the terms and conditions of a teacher's employment shall be considered a personnel policy.

(5) The new personnel policies shall not impair or diminish the existing contract rights of any teacher.

(f) In the event a school district with a personnel policy committee consolidates with another school that recognizes in its policies an organization representing the majority of the teachers of the school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern pursuant to § 6-17-202, each teacher in the school district with the personnel policy committee shall have the right in his or her first year of employment with the new school

district to elect to have his or her contract governed by the negotiated personnel policies of the new school district or to continue with the terms of his or her existing contract under the personnel policies of the school district by which he or she was employed the year before the consolidation.

(g) The provisions of this section shall not apply to instances in which the State Board of Education votes to annex or consolidate one (1) school district to or with two (2) or more receiving or resulting school districts due to enforcement by the state board of the provisions of this title relating to academic distress, academic facilities distress, fiscal distress, or violations of the Standards for Accreditation of Arkansas Public Schools and School Districts.

History. Acts 2003, No. 1801, § 1; substituted “policy review board” for 2011, No. 989, §§ 28–31. “school board” throughout the section; and
Amendments. The 2011 amendment added (g).

SUBCHAPTER 3 — EMPLOYMENT AND ASSIGNMENT

SECTION.

6-17-301. Employment of licensed personnel.

6-17-302. Public school principals — Qualifications and responsibilities.

SECTION.

6-17-306. Leaves of absence.

Effective Dates. Acts 2009, No. 1469, § 32: Apr. 10, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that it is the state’s constitutional obligation to provide a general, suitable, and efficient free system of public schools in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public schools and school districts; and that this act is immediately necessary so that the affected public schools and school districts will receive

the amount of funding for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-17-301. Employment of licensed personnel.

- (a)(1) A school board of directors may employ superintendents, deputy superintendents, assistant superintendents, and high school principals, as well as department heads, coaches, teachers, and other licensed personnel by written contract for a period of time not more than three (3) years.
- (2) A contract may be renewed annually.

(b) A superintendent's contract of employment with a school district may be terminated for cause and without the school district's having any further financial obligation to the superintendent if:

(1) The school district has:

(A) Been placed on fiscal distress by the Department of Education because of:

(i) Commitments made by the superintendent of which the school board of directors had no notice or knowledge; or

(ii) A material misrepresentation made by the superintendent concerning the school district's finances that the school board of directors relied upon to the detriment of the school district;

(B) Exhausted all appeals of the department's decision regarding the fiscal distress determination;

(2) The superintendent was provided:

(A) Notice of the reason for termination;

(B) A hearing to allow the superintendent to explain or rebut the reasons stated in the notice; and

(C) A record of the hearing provided at the expense of the school district; and

(3) The superintendent's contract was terminated by a majority vote of the full school board of directors after the hearing described in subdivision (b)(2) of this section.

History. Acts 1969, No. 145, § 1; 1969, No. 215, § 1; A.S.A. 1947, §§ 80-1235, 80-1236; Acts 2003, No. 1738, § 2; 2007, No. 617, § 9; 2009, No. 1203, § 1; 2009, No. 1469, § 7; 2011, No. 989, § 32.

Amendments. The 2009 amendment by No. 1203 redesignated (a) and (b) as (a)(1) and (a)(2); deleted "Except as prohibited under subsections (c) and (d) of this section" at the beginning of (a)(1);

inserted present (b); deleted former (c) and (d); and made related and minor stylistic changes.

The 2009 amendment by No. 1469 substituted "A school board" for "Except as prohibited under subsections (c) and (d) of this section, school boards" in (a); and deleted (c) and (d).

The 2011 amendment substituted "licensed" for "certified" in (a)(1).

6-17-302. Public school principals — Qualifications and responsibilities.

(a) The school district board of directors shall employ through written contract public school principals who shall hold valid supervisory or administrative licenses and who shall supervise the operation and management of the school and property as the board of directors shall determine necessary.

(b) The principal shall assume administrative responsibility and instructional leadership, under the supervision of the superintendent and in accordance with the legal rules and regulations of the board of directors, for the planning, management, operation, and evaluation of the educational program of the attendance area to which he or she is assigned.

(c) The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the attendance area.

(d) The principal shall perform such other duties as may be assigned by the superintendent pursuant to the legal rules and regulations of the board of directors.

History. Acts 1977, No. 255, § 1; A.S.A. 1947, § 80-1235.1; Acts 2011, No. 989, § 33.

Amendments. The 2011 amendment substituted "licenses" for "certificates" in (a).

6-17-306. Leaves of absence.

(a) As used in this section:

(1) "Classified employee" means a person employed by a public school in this state who is not a licensed employee;

(2) "Emergency situations" shall have the same meaning as it is defined in § 21-4-212;

(3) "Fiscal year" shall be the fiscal year now established for the United States Government; and

(4) "Licensed employee" means a teacher or administrator employed by a public school in this state who is required to be licensed by the State Board of Education as a condition of the teacher's or administrator's employment.

(b)(1) A teacher, administrator, or noncertified personnel who is employed by a public school in this state is entitled to a leave of absence for fifteen (15) days plus necessary travel time in any fiscal year for the purpose of participating in:

(A) Military training programs or other official duties made available by the armed forces of this state or any other state, including without limitation the National Guard or a reserve component of the armed forces; or

(B) The civil defense and public health training programs made available by the United States Public Health Service.

(2) To the extent that this leave is not used in a fiscal year, it will accumulate for use in the succeeding fiscal year until it totals fifteen (15) days at the beginning of a fiscal year.

(c)(1) When a licensed employee or a classified employee is granted a leave of absence under this section, he or she shall be entitled to his or her regular salary during the time he or she is away from his or her duties during such leave of absence.

(2) The leave of absence shall be in addition to the regular vacation time allowed the employee.

(d)(1) A licensed employee or a classified employee who is called to duty in an emergency situation by the Governor or by the President shall be granted leave with pay not to exceed thirty (30) working days, after which leave without pay will be granted.

(2) This leave shall be granted in addition to all other leave to which the licensed employee or certified employee is entitled.

(e)(1) During a leave of absence, a licensed employee or a classified employee is entitled to preserve all seniority rights, efficiency or performance ratings, promotional status, retirement privileges, life and

disability insurance benefits, and any other rights, privileges, and benefits to which he or she has become entitled.

(2) The period of military service shall, for purposes of computations to determine whether the licensed employee or the classified employee is entitled to retirement under the laws of the State of Arkansas, be deemed continuous service, and the licensed employee or the classified employee shall not be required to make contributions to any retirement fund.

(3) The school district shall continue to contribute its portion of any life and disability insurance premiums during the leave of absence on behalf of the licensed employee or the classified employee, if requested, so that continuous coverage may be maintained.

(f) When a licensed employee or a classified employee is granted military leave for a period of fifteen (15) days per calendar year or fiscal year under this section, the military leave will accumulate for use in succeeding calendar years or fiscal years until it totals fifteen (15) days at the beginning of the calendar year or fiscal year, for a maximum number of military leave days available in any one (1) calendar year or fiscal year to be thirty (30) days.

History. Acts 1989, No. 724, § 1; 1991, No. 673, § 1; 1991, No. 956, § 1; 2009, No. 944, § 1; 2011, No. 989, § 34; 2011, No. 1164, § 1.

A.C.R.C. Notes. Pursuant to § 1-2-207, subsection (b) of § 6-17-306 is set out above as amended by Acts 2011, No. 1164, § 1. Subsection (b) was also amended by Acts 2011, No. 989, § 34 to read as follows:

“(b)(1) A licensed employee or a classified employee shall be entitled to take a leave of absence for a period of fifteen (15) days, in addition to necessary travel time, in any fiscal year for the purpose of participating in:

“(A) Military training programs or other official duties made available by the Arkansas National Guard or of the reserve branches of the armed forces; or

“(B) The civil defense and public health training programs made available by the United States Public Health Service.

“(2) To the extent that this leave is not used in a fiscal year, it will accumulate for use in the succeeding fiscal year until it totals fifteen (15) days at the beginning of a fiscal year.”

Amendments. The 2009 amendment deleted (b)(2) and redesignated the subsequent subdivision accordingly.

The 2011 amendment by No. 989 inserted present (a), deleted former (e), and redesignated the remaining subsections accordingly; subdivided and rewrote present (b); substituted “When a licensed employee or a classified employee” for “Whenever any teacher, administrator, or noncertified employee” in (c)(1); substituted “A licensed employee or a classified employee who is” for “Teachers, administrators, and noncertified personnel” in (d)(1); rewrote (d)(2); substituted “a licensed employee or a classified employee is” for “teachers, administrators, and noncertified personnel shall be” in (e)(1); substituted “the licensed employee or the classified employee is” for “such persons may be” in (e)(2); substituted “licensed employee or the classified employee” for “teacher, administrator, or noncertified employee” in (e)(2) and (3); and substituted “When a licensed employee or a classified employee” for “Whenever any teacher, administrator, or noncertified person employed by any public school in this state” in (f).

The 2011 amendment by No. 1164 rewrote (b).

SUBCHAPTER 4 — LICENSURE GENERALLY

SECTION.

- 6-17-402. Rules and regulations.
- 6-17-403. Provisional licensure for teachers trained and licensed in other states.
- 6-17-409. Nontraditional licensure.
- 6-17-410. Teacher licensure — First-time applicant, renewal application, revocation, suspension, and probation.
- 6-17-411. Criminal records check as a condition for initial employment of licensed personnel.
- 6-17-412. National Board for Professional Teaching Standards certification.
- 6-17-413. National Board for Professional Teaching Standards certification funding — Bonuses.
- 6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel.
- 6-17-415. Criminal records check and Child Maltreatment Central Registry check for ex-

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- isting nonlicensed employees.
- 6-17-416. Criminal records check and Child Maltreatment Central Registry check of employees of more than one school district.
- 6-17-418. Teacher licensure — Arkansas history requirement.
- 6-17-421. Criminal records check for fraudulent acts.
- 6-17-422. Professional Licensure Standards Board.
- 6-17-423. Professional development after retirement.
- 6-17-424. Administrator licensure for counselors — Eligibility.
- 6-17-425. Subpoena powers.
- 6-17-426. Repeat audit findings — Review by the Professional Licensure Standards Board.
- 6-17-427. Superintendent license — Superintendent mentoring program required.
- 6-17-428. Ethical violations.

Effective Dates. Acts 2009, No. 938, § 2: Apr. 6, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that having qualified teachers and administrators in public school districts is essential to providing a free and adequate public education system; that the current provisions for proceedings on ethics complaints under the code of ethics for educators do not provide for the confidentiality of certain documents and proceedings; and that this act is immediately necessary because the release of information before there has been a final adverse adjudication could irreparably damage the reputation of an educator, resulting in a school district's losing a qualified teacher or administrator. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is

neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2009, No. 1283, § 2: Apr. 9, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the law does not provide subpoena power for the State Board of Education or the Professional Licensure Standards Board; that the State Board of Education and the Professional Licensure Standards Board are unable to fully implement their duties due to lack of subpoena. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period

of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

6-17-402. Rules and regulations.

(a) The State Board of Education shall issue the license of a classroom teacher, an administrator, a guidance counselor, or a library media specialist.

(b)(1) The State Board of Education shall promulgate rules and regulations for the issuance, licensure, relicensure, and continuance of licensure of teachers in the public schools of this state.

(2)(A) In addition to other requirements, any person applying for initial licensure as a teacher or administrator in the public schools or a licensed teacher or administrator applying for a license in an additional area shall take and complete a test recognized by the National Council for Accreditation of Teacher Education and approved by the State Board of Education and submit the scores to the Department of Education.

(B) No applicant for initial licensure or licensure in an additional area shall receive a license after July 1, 2007, unless the applicant scores at or above the minimum level set by the State Board of Education that is consistent with the recommendations of the Professional Licensure Standards Board.

(C) All colleges and universities in this state shall report the results of the examinations to the department upon request.

(c) The State Board of Education shall not delegate to any college or university any of the State Board of Education's powers or duties pertaining to the issuance, licensure, relicensure, and continuance of licensure of teachers in public schools in this state.

(d) The State Board of Education shall waive the examination requirements under subsection (b) of this section for individuals applying for licensure in Arkansas who have a valid out-of-state teaching license and three (3) years' documented teaching experience as required by the rules promulgated by the State Board of Education.

(e)(1)(A) The State Board of Education shall waive the requirement for professional development for a retired teacher who:

(i) Maintains a valid license; and

(ii) Reenters the educational setting prior to sixty-five (65) years of age due to a teacher shortage.

(B) "Educational setting" means the employment setting where the certified employee works, including without limitation:

(i) A public or private school;

(ii) An institution of higher education;

(iii) An education service cooperative;

(iv) The Department of Education;

(v) An adult education setting; or

(vi) Another agency or organization that employs licensed teachers for educational purposes.

(2) A retired teacher who receives a waiver under subdivision (e)(1) of this section shall participate in the staff development programs required by the school district where he or she is employed.

History. Acts 1979, No. 162, § 1; 1981, No. 814, § 1; 1983, No. 736, § 1; 1983 (Ex. Sess.), No. 5, § 1; 1985, No. 746, § 1; 1985, No. 1082, § 1; A.S.A. 1947, § 80-1201; Acts 1989, No. 414, § 1; 2003, No. 754, § 1; 2005, No. 2151, § 2; 2007, No. 169, § 3; 2007, No. 846, § 1; 2011, No. 989, § 35.

Amendments. The 2011 amendment rewrote (a).

6-17-403. Provisional licensure for teachers trained and licensed in other states.

(a) The State Board of Education may issue a one-year nonrenewable provisional license to any teacher who seeks Arkansas licensure and is trained in and licensed by a state other than Arkansas.

(b)(1) Any person who has not successfully completed the licensure examination designated by the state board under § 6-17-601 et seq. and who has not previously held an Arkansas license but meets degree, course work, and experience requirements for a standard license and who otherwise qualifies to teach in the public schools of this state may receive a one-year nonrenewable provisional license and be employed by any public school district in this state for a period not to exceed one (1) year.

(2) A school district that hires a teacher who has not successfully completed the examination shall not be penalized by the state board provided that the length of employment of the teacher while nonlicensed does not exceed one (1) year.

(c) The state board shall issue a standard five-year teaching license to an individual who furnishes the Department of Education proof of the following:

(1) A valid, standard teaching license or its Arkansas equivalent that:

(A) Was issued in another state; and

(B) Has been in good standing during the most recent two (2) years of the applicant's teaching experience;

(2) Successful completion of the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410;

(3) Higher education transcripts evidencing the award of at least a baccalaureate degree;

(4) Reports evidencing test scores required for licensing by the licensing state;

(5) Completion of a program for:

(A) Teacher education at a regionally accredited institution of higher education;

(B) Teacher education accredited by the National Council for Accreditation of Teacher Education; or

(C) Certification from the National Board of Professional Teaching Standards; and

(6) Payment of applicable licensure fees.

History. Acts 1979, No. 162, § 1; 1985, No. 1082, § 1; A.S.A. 1947, § 80-1201; Acts 1989, No. 307, § 1; 2005, No. 2151, § 3; 2011, No. 989, § 36; 2011, No. 1178, § 1.

Amendments. The 2011 amendment by No. 989, in the section head and throughout the section, substituted "licensure" for "certification," "licensed" for "certified," and "license" for "certificate"; substituted "licensure" for "National Teacher's Examination or a similar" in

(b)(1); and substituted "nonlicensed" for "noncertified" in (b)(2).

The 2011 amendment by No. 1178, throughout the section, substituted "license" for "certificate," "licensed" for "certified," and "licensure" for "certification"; substituted "an examination" for "the National Teacher's Examination or a similar examination" in (a); substituted "nonlicensed" for "noncertified" in (b)(2); and added (c).

6-17-409. Nontraditional licensure.

(a) The State Board of Education may offer and operate a nontraditional licensure program.

(b)(1) The Department of Education may provide grants of financial assistance to entities that train individuals seeking to obtain nontraditional licensure through the nontraditional licensure process administered by the department.

(2) The department shall pay the grants from funds appropriated by the General Assembly to the department for such purpose.

(c) The state board shall promulgate rules and regulations to determine eligibility for and amount of awards of the grants concerning the operation of the nontraditional licensure program authorized by this section and for such other purposes as may be necessary in carrying out the intent of this section.

(d) If the state board requires an applicant for nontraditional licensure to complete one (1) or more additional college-level courses and the applicant has obtained a bachelor's degree, the required course or courses shall meet one (1) or more of the following conditions:

(1)(A) Each course shall be offered at every state-supported, two-year institution of higher education.

(B) If more than one (1) course is required, all courses shall be offered in a one-semester block; or

(2) Each course shall be available as an online course, a traditional face-to-face course, or a hybrid course that is part online instruction and part face-to-face instruction, as approved by the department.

(e)(1) The state board shall issue a standard five-year teaching license to an applicant if the applicant has:

(A) Either:

(i) Successfully completed the two-year Teach for America program; or

(ii) Been awarded a master's degree in teaching from an accredited program at an institution of higher education; and

(B) Successfully completed the criminal records checks and Child Maltreatment Central Registry check under § 6-17-410.

(2) The state board shall issue to an applicant who is in the Teach for America program a provisional teaching license valid for the entire two-year period that the applicant is:

(A) In the Teach for America program; and

(B) Teaching in an Arkansas public school.

(3) The state board may require an applicant who meets the criteria of subdivision (e)(1) of this section to submit proof of the following academic eligibility:

(A) A passing score, as set by the state board, on a state-required pedagogical and content-area assessment; and

(B)(i) If required by the grade level and content area for which the applicant seeks licensure, successful completion of courses in Arkansas History or Methods of Teaching Reading, or both.

(ii) An applicant who has successfully completed the two-year Teach for America program is exempt from the Methods of Teaching Reading requirement;

(4) No academic or experience requirements for obtaining an Arkansas teaching license in addition to those identified in this subsection (e) shall be imposed on an applicant who otherwise meets the requirements of this subsection (e) by:

(A) The state board;

(B) The department; or

(C) An Arkansas state-funded college or university.

(f)(1) The state board shall issue a three-year provisional professional teaching license to an applicant who submits to the department the following:

(A) Higher education transcripts evidencing the award of at least a baccalaureate degree;

(B) Evidence of a minimum of three (3) years of employment experience in the content area that the applicant seeks to teach;

(C) Evidence of an offer of employment to teach classes for credit in an Arkansas public school;

(D) A statement of justification from the applicant relating the applicant's experience to teaching in the content area in which the applicant seeks to teach;

(E) Two (2) professional letters of recommendation submitted by the applicant's references;

(F) A passing score on the content knowledge and pedagogical tests for the content area in which the applicant seeks to teach; and

(G) Successful completion of the criminal background checks and Child Maltreatment Central Registry check under § 6-17-410.

(2)(A)(i) An individual who receives a three-year provisional teaching license under this subsection shall pass the Praxis II Pedagogy Assessment or have thirty (30) hours of training in pedagogy.

(ii) The thirty (30) hours of training in pedagogy are in addition to and not considered a part of the sixty (60) hours of professional development required for teachers by their employing school district or public school.

(3) At the end of three (3) years of provisional licensure, the licensee shall undergo a summative evaluation as required by Arkansas law.

(4)(A) The state board shall issue a standard five-year teaching license to the licensee if the licensee successfully completes a performance-based assessment that includes student achievement.

(B) The performance-based assessment shall be:

(i) Approved by the state board;

(ii) Paid for by the state; and

(iii) Administered no earlier than the completion of the first academic school year of teaching and before the expiration of the three-year provisional license.

History. Acts 1991, No. 308, § 1; 2005, No. 2151, § 17; 2007, No. 704, § 1; 2011, No. 989, § 37; 2011, No. 1178, § 2.

A.C.R.C. Notes. Pursuant to § 1-2-207, § 6-17-409 is set out above as amended by Acts 2011, No. 1178, § 2. Section 6-17-409 was also amended by Acts 2011, No. 989, § 37, to read as follows:

“6-17-409. Nontraditional licensure.

“(a) The Department of Education may offer and operate a nontraditional licensure program.

“(b) The department is hereby authorized to provide grants of financial assistance to entities that train individuals seeking to obtain nontraditional licensure through the nontraditional licensure process administered by the department. The department shall pay the grants from funds appropriated by the General Assembly to the department for such purpose.

“(c) The State Board of Education may promulgate rules and regulations to determine eligibility for and amount of awards of the grants concerning the operation of the nontraditional licensure program authorized by this section and for such other purposes as may be necessary in carrying out the intent of this section.

“(d) If the rules require an applicant for nontraditional licensure to complete one (1) or more additional college-level courses

and the applicant has obtained a bachelor's degree, the required course or courses shall meet one (1) or more of the following conditions:

“(1)(A) Each course shall be offered at every state-supported, two-year institution of higher education.

“(B) If more than one (1) course is required, all courses shall be offered in a one-semester block; or

“(2) Each course shall be available as an online course, a traditional face-to-face course, or a hybrid course that is part online instruction and part face-to-face instruction, as approved by the department.”

Amendments. The 2011 amendment by No. 989 deleted “certification” following “licensure” in the section head, twice in (b), and in (d); substituted “State Board of Education may” for “department is hereby authorized to” in (e); and substituted “rules require” for “department requires” in (d).

The 2011 amendment by No. 1178 substituted “State Board of Education” for “Department of Education” in (a); substituted “Department of Education” for “department” in (b)(1); substituted “licensure” for “certification” in (b)(1) and (d); substituted “state board shall” for “department is hereby authorized to” in (c); substituted “state board” for “department” in (d); and added (e) and (f).

6-17-410. Teacher licensure — First-time applicant, renewal application, revocation, suspension, and probation.

(a)(1)(A)(i) Each first-time applicant for a license issued by the State Board of Education and each applicant for his or her first license renewal on or after July 1, 1997, shall be required to apply to the Identification Bureau of the Department of Arkansas State Police for a statewide and nationwide criminal records check, to be conducted by the Department of Arkansas State Police and the Federal Bureau of Investigation.

(ii) The check shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the criminal records check.

(C)(i) The Department of Education shall be responsible for the payment of any fee associated with the criminal records check at the time of license renewal for employees of Arkansas public school districts, employees of other public education institutions located in Arkansas, and employees of the Department of Education.

(ii) Funding for the fees shall come from the Public School Fund.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the applicant to the Department of Education.

(3)(A) Each first-time applicant for a license issued by the State Board of Education and each applicant for his or her first license renewal on or after July 1, 1997, shall be required to request through the Department of Education a Child Maltreatment Central Registry check to be conducted by the Department of Human Services.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Department of Education upon completion of the Child Maltreatment Central Registry check.

(b)(1) The state board may issue a six-month nonrenewable letter of provisional eligibility for licensure to a first-time applicant pending the results of the criminal records check and the Child Maltreatment Central Registry check. However, the Commissioner of Education may extend the period of provisional eligibility to the end of that contract year if:

(A) The applicant is employed by a local school district; and

(B) The results of the criminal records check or the Child Maltreatment Central Registry check are delayed.

(2) Upon receipt of information from the Identification Bureau of the Department of Arkansas State Police that the person holding a letter of provisional eligibility for licensure has pleaded guilty or nolo contendere to or has been found guilty of any offense listed in subsection (c) of this section, the state board shall immediately revoke the provisional eligibility.

(3) If the Department of Education receives information from the Department of Human Services that the person holding a letter of provisional eligibility for teacher licensure has a true report in the Child Maltreatment Central Registry, the State Board of Education shall immediately revoke the provisional eligibility of the teacher licensure applicant.

(c) The state board shall not issue a first-time license nor renew an existing license and shall revoke any existing license not up for renewal of any person who has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

- (1) Capital murder as prohibited in § 5-10-101;
- (2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;
- (3) Manslaughter as prohibited in § 5-10-104;
- (4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;
- (5) Aggravated assault as prohibited in § 5-13-204;
- (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
- (7) Kidnapping as prohibited in § 5-11-102;
- (8) Rape as prohibited in § 5-14-103;
- (9) Sexual assault in the first degree, second degree, third degree, and fourth degree as prohibited in §§ 5-14-124 — 5-14-127;
- (10) Incest as prohibited in § 5-26-202;
- (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
- (12) Distribution to minors as prohibited in § 5-64-406;
- (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
- (14) Sexual indecency with a child as prohibited in § 5-14-110;
- (15) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
- (16) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
- (17) False imprisonment in the first degree as prohibited in § 5-11-103;
- (18) Permanent detention or restraint as prohibited in § 5-11-106;
- (19) Permitting abuse of a child as prohibited in § 5-27-221(a);
- (20) Negligent homicide as prohibited by § 5-10-105(a);
- (21) Assault in the first degree as prohibited by § 5-13-205;
- (22) Coercion as prohibited by § 5-13-208;
- (23) Public sexual indecency as prohibited by § 5-14-111;

- (24) Indecent exposure as prohibited by § 5-14-112;
 - (25) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
 - (26) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection;
 - (27) Computer child pornography as prohibited in § 5-27-603;
 - (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
 - (29) Felony theft as prohibited in §§ 5-36-103 — 5-36-106 and 5-36-202;
 - (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
 - (31) Breaking or entering as prohibited by § 5-39-202;
 - (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
 - (33) Forgery as prohibited by § 5-37-201; and
 - (34) Any felony not listed in this subsection (c) and involving physical or sexual injury, mistreatment, or abuse against another.
- (d)(1) For the purposes of this subsection (d):
- (A) "Cause" means any of the following:
 - (i) Holding a license obtained by fraudulent means;
 - (ii) Revocation of a license in another state;
 - (iii) Intentionally compromising the validity or security of any student test or testing program administered by or required by the state board or the Department of Education;
 - (iv) Having the completed examination test score of any testing program required by the state board for teacher licensure declared invalid by the testing program company and so reported to the Department of Education by the testing company;
 - (v) Having an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense in subsection (c) of this section;
 - (vi) Failing to establish or maintain the necessary requirements and standards set forth in Arkansas law or state board rules and regulations for teacher licensure;
 - (vii) Knowingly submitting or providing false or misleading information or knowingly failing to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit;
 - (viii) Knowingly falsifying or directing another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period; or
 - (ix) Having a true report in the Child Maltreatment Central Registry; and
 - (B) "Child" means a person under twenty-one (21) years of age or enrolled in the public schools of the State of Arkansas.
- (2) For cause as stated in this subsection (d), the state board is authorized to:

(A) Revoke a license permanently;

(B) Suspend a license for a terminable period of time or indefinitely; or

(C) Place a person on probationary status for a terminable period of time with the license to be revoked or suspended if the probationary period is not successfully completed.

(e)(1) Before taking an action under subsections (c) or (d) of this section, the state board shall provide a written notice of the reason for the action and shall afford the person against whom the action is being considered the opportunity to request a hearing.

(2) A written request for a hearing must be received by the state board no more than thirty (30) days after the notice of the denial, nonrenewal, or revocation of the license is received by the person who is the subject of the proposed action.

(3) Upon written notice that a revocation, suspension, or probation is being sought by the state board for a cause set forth, a person may:

(A) Decline to answer the notice, in which case a hearing shall be held before the state board to establish by a preponderance of the evidence that cause for the proposed action exists;

(B)(i) Contest the complaint and request a hearing in writing, in which case the person shall be given an evidentiary hearing before the state board if one is requested.

(ii) If the person requesting the hearing fails to appear at the hearing, the hearing shall proceed in the manner described in subdivision (e)(3)(A) of this section;

(C) Admit the allegations of fact and request a hearing before the state board in mitigation of any penalty that may be assessed; or

(D) Stipulate or reach a negotiated agreement, which must be approved by the state board.

(f)(1) The revocation provisions of subsection (c) of this section may be waived, or a license may be suspended or placed on probation by the state board upon request by:

(A) The board of directors of a local school district;

(B) An affected applicant for licensure; or

(C) The person holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include without limitation the following:

(A) The age at which the crime or incident was committed;

(B) The circumstances surrounding the crime or incident;

(C) The length of time since the crime or incident;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

(g)(1) The superintendent of each school district shall report to the state board the name of any person holding a license issued by the state board and currently employed or employed during the two (2) previous school years by the local school district who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (c) of this section;

(B) Holds a license obtained by fraudulent means;

(C) Has had a similar license revoked in another state;

(D) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(E) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division;

(F) Has failed to establish or maintain the necessary requirements and standards set forth in Arkansas law or Department of Education rules for teacher licensure; or

(G) Has a true report in the Child Maltreatment Central Registry.

(2) Failure of a superintendent to report information as required by this subsection may result in sanctions imposed by the state board.

(h)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to subsection (a) of this section shall not be available for examination except by the affected applicant for licensure or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for licensure or the person whose license is subject to revocation shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(i) The state board shall adopt the necessary rules to fully implement the provisions of this section.

History. Acts 1995, No. 1310, § 1; 1997, No. 1272, § 2; 1997, No. 1313, § 2; 1999, No. 226, § 1; 2001, No. 752, § 1; 2003, No. 1087, § 9; 2003, No. 1389, § 1; 2003, No. 1738, § 3; 2005, No. 2151, § 5; 2007, No. 1573, § 23; 2009, No. 376, § 24; 2009, No. 1173, §§ 1-8.

Amendments. The 2009 amendment by No. 376 inserted "and aggravated residential burglary as prohibited by § 5-39-204" in (c)(32).

The 2009 amendment by No. 1173 inserted (a)(3); inserted "and the child mal-

treatment central registry check" in (b)(1); inserted "or the child maltreatment central registry check" in (b)(1)(B); and added (b)(3); substituted "a true report in the child maltreatment central registry or has pled" for "has pleaded" in the introductory language of (c); inserted (d)(1)(A)(ix); inserted "or incident" in (f)(2)(A), (f)(2)(B), and (f)(2)(C); inserted (g)(1)(G); inserted "or the Department of Human Services" in (h)(1); and made related and minor stylistic changes.

CASE NOTES

ANALYSIS

Construction.
Waiver.

Construction.

When construing subsection (c) of this section just as it reads and giving meaning and effect to every word within the statute, it is clear that the General Assembly intended for all who have pled guilty or nolo contendere to a disqualifying offense to be prohibited from receiving a teaching license, regardless of whether the individual's record has since been expunged; by referencing both those who have pled guilty or nolo contendere in addition to those who have been found guilty, the General Assembly intended to include those whose records have been expunged as those ineligible for licensure due to criminal conduct. *Landers v. Ark. Dep't of Educ.*, 2010 Ark. App. 312, — S.W.3d — (2010).

Waiver.

Circuit court did not err in affirming the decision of the Arkansas State Board of Education to deny an applicant's waiver

request for a certified teacher's license pursuant to subsection (c) of this section because given the plain meaning of subdivision (d)(1)(A)(v), there was no abuse of discretion in the Board's decision that the phrase "expunged or pardoned conviction" related to both any sexual or physical abuse offense committed against a child and any offense in subsection (c). *Landers v. Ark. Dep't of Educ.*, 2010 Ark. App. 312, — S.W.3d — (2010).

Substantial evidence support the decision of the Arkansas State Board of Education to deny an applicant's waiver request for a certified teacher's license pursuant to subsection (c) of this section because the Board considered all the evidence presented and expressed concern over the applicant's character due to her criminal conduct and lack of remorse; the Board noted a lack of support from the applicant's employer, a school district superintendent, and recognized that her proposed area of licensure, pre-kindergarten through grade four, was not a high-need area of certification. *Landers v. Ark. Dep't of Educ.*, 2010 Ark. App. 312, — S.W.3d — (2010).

6-17-411. Criminal records check as a condition for initial employment of licensed personnel.

(a)(1)(A) Except as provided in subdivision (a)(1)(B) of this section, the board of directors of a local school district shall require as a condition for initial employment by the school district that any person holding a license issued by the State Board of Education and making application for employment authorize release to the Department of Education the results of:

(i) Statewide and nationwide criminal records checks by the Identification Bureau of the Department of Arkansas State Police, which conform to the applicable federal standards and include the taking of the applicant's fingerprints; and

(ii) The Child Maltreatment Central Registry check by the Department of Human Services.

(B)(i) The board of directors of a local school district created by consolidation, annexation, or detachment may waive the requirements under subdivision (a)(1)(A) of this section for personnel who were employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had a complete criminal background check conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Unless the employing school district's board of directors has taken action to pay for the cost of criminal background checks or the Child Maltreatment Central Registry checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check and the Child Maltreatment Central Registry check.

(3) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(4)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(B) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(5) The Department of Education shall promptly inform the board of directors of the local school district whether or not the affected applicant is eligible for employment as provided by subsection (b) of this section.

(b)(1)(A) No person holding a license from the state board shall be eligible for employment by a local school district if the results of the criminal records check released to the Department of Education by the applicant reveal that the applicant has pleaded guilty or nolo contendere to or has been found guilty of any offense that will or may result in license revocation by the state board under § 6-17-410.

(B) No person holding a license issued by the state board shall be eligible for employment by a local school district if the results of the Child Maltreatment Central Registry check released to the Department of Education reveal that the applicant has a true report in the Child Maltreatment Central Registry.

(2) However, the board of directors of a local school district is authorized to offer provisional employment to the affected applicant pending receipt of eligibility information from the Department of Education.

History. Acts 1997, No. 1313, § 3; 2003, No. 42, § 1; 2005, No. 2151, § 6; 2009, No. 1173, §§ 9-12.

Amendments. The 2009 amendment

inserted (a)(1)(A)(ii); inserted "or the child maltreatment central registry checks" and "and the child maltreatment central registry check" in (a)(2); inserted "or the

Department of Human Services" in (a)(4)(A); inserted (b)(1)(B) and redesignated the existing text of (b)(1) accordingly; and made related and minor stylistic changes.

6-17-412. National Board for Professional Teaching Standards certification.

(a) As used in this section and § 6-17-413:

(1) "Classroom teacher" means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(2) "National board" means the National Board for Professional Teaching Standards;

(3) "Starting bonus" means a one-time bonus given during the school year in which an individual first obtains national board certification; and

(4) "Yearly bonus" means a bonus that is given once every school year following the year of initial certification.

(b) The national board was established in 1987 as an independent nonprofit organization to establish high and rigorous standards for teachers, to develop and operate a national voluntary system to assess and certify teachers who meet these standards, and to advance related education reforms for the purpose of improving student learning in the United States. In order to apply for the national board certification process, the national board requires teachers to have three (3) years or more of teaching experience, to have graduated from an accredited college or university, and to possess a valid state teaching license. A teacher may become national board certified by successfully completing a year-long certification process in which the teacher must develop a portfolio of student work and videotapes of teaching and learning activities for national board review, participate in the national board assessment center simulation exercises, and successfully pass an examination testing content knowledge.

(c)(1) The State Board of Education may issue a standard Arkansas teaching license to any teacher, building-level principal, or building-level assistant principal trained in and licensed by a state other than Arkansas who seeks Arkansas licensure and who has received national board certification from the national board while teaching in a state other than Arkansas.

(2) Any applicant under subdivision (c)(1) of this section who seeks employment as an Arkansas teacher, building-level principal, or building-level assistant principal shall not have to comply with § 6-17-402 or § 6-17-403 but shall comply with § 6-17-410.

History. Acts 1997, No. 1225, § 1; 2001, No. 1060, § 1; 2011, No. 989, § 38.

Amendments. The 2011 amendment, in (c)(1), substituted "license" for "certify," "licensed" for "certified," and "licen-

sure" for "certification"; and substituted "under subdivision (c)(1) of this section" for "meeting this description seeking initial certification in Arkansas" in (c)(2).

6-17-413. National Board for Professional Teaching Standards certification funding — Bonuses.

(a)(1)(A) The Department of Education shall pay the full amount of the participation fee of the National Board for Professional Teaching Standards and provide, if determined to be necessary by the department, substitute pay for a maximum of three (3) days of approved paid leave for teachers selected by the State Board of Education to participate in the program of the national board.

(B) A teacher shall have completed at least three (3) years of teaching in the Arkansas public school system before applying for the assistance under this section and § 6-17-412 and shall not have previously received state funding for participation in any certification area in the program of the national board.

(2)(A) The State Board of Education shall promulgate rules and regulations for the selection process of teacher participants in the program of the national board.

(B) The number of teacher participants each year will be determined by the amount of funding available for the program.

(3)(A) The department shall pay a starting incentive bonus of two thousand dollars (\$2,000) upon receiving the certification of the national board and a yearly incentive bonus of two thousand dollars (\$2,000) for every school year for the life of the certificate of the national board to any classroom teacher, building-level principal, or building-level assistant principal who:

(i) Is selected by the State Board of Education to participate in the program of the national board;

(ii) Successfully completes the certification process of the national board;

(iii) Receives certification of the national board; and

(iv) Is, at the time of receiving the bonus:

(a) Employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public school district; or

(b)(1) After working a minimum of three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district, employed full time as a teacher in an accredited teacher preparation program at a state-supported institution of higher education.

(2)(A) Only teachers who hold national board certification on or after August 1, 2009, shall be eligible for a bonus for employment as provided under this subdivision (a)(3)(A)(iv)(b) if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i).

(B) However, a bonus payment shall not be made retroactive.

(B)(i) A teacher certified by the national board who moves into the state and is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in an Arkansas public

school district shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the person is employed full time as a classroom teacher, building-level principal, or building-level assistant principal in a local public school district for the life of the certificate of the national board.

(ii) A teacher who holds national board certification on or after August 1, 2009, who moves into the state shall be eligible for the yearly incentive bonus of five thousand dollars (\$5,000) for every school year the teacher is employed full time for the life of the certificate of the national board if, after working for three (3) years with national board certification as a classroom teacher, building-level principal, or building-level assistant principal in a public school district in this state, the teacher is employed as a teacher in an accredited teacher preparation program at a state-supported institution of higher education if funds are available after payments are made to those eligible under subdivisions (a)(3)(A)(iv)(a) and (a)(3)(B)(i).

(C) The starting incentive bonus and the yearly incentive set forth in subdivisions (a)(3)(A) and (B) of this section shall increase yearly as follows:

(i) The starting incentive bonus and the yearly incentive for 2003 shall be three thousand dollars (\$3,000);

(ii) The starting incentive bonus and the yearly incentive for 2004 shall be four thousand dollars (\$4,000); and

(iii) The starting incentive bonus and the yearly incentive for 2005 and each year thereafter shall be five thousand dollars (\$5,000).

(D) The increased incentive bonuses provided in this section shall not be retroactive.

(E) No person shall receive a starting bonus and a yearly incentive for the same school year.

(F) A person shall not receive either a starting incentive bonus or a yearly incentive bonus, irrespective of the person's past participation in the certification of the national board, as a teacher, building-level principal, or building-level assistant principal in an Arkansas public school district or teacher in an accredited teacher preparation program at a state-supported institution of higher education if the person:

(i) Leaves the full-time employment of an Arkansas public school district;

(ii) Becomes employed as a school district-level central office administrator;

(iii) Is employed by an Arkansas institution of higher education and does not teach in an accredited teacher preparation program; or

(iv) Is employed by an education service cooperative and does not teach in a classroom with students.

(G) At the time that the national board establishes a certification of the national board for school administrators and an Arkansas school district-level central office administrator becomes certified by

the national board, the school district-level central office will be eligible to receive incentive bonuses in the amount awarded to teachers certified by the national board for every year for the life of the administrator certificate of the national board.

(4) The State Board of Education is authorized to promulgate rules and regulations to establish a support program for teachers selected to participate in the program of the national board.

(b)(1) A teacher who receives state moneys for the participation fee of the national board but who does not complete the certification process within three (3) years after the teacher's entry into the certification program of the national board or who becomes certified by the national board but does not teach or serve as a building-level principal or building-level assistant principal in the Arkansas public school system for three (3) continuous school years after receiving the certification by the national board shall repay the department the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly bonus.

(2) If the teacher, principal, or assistant principal leaves the employment of a public school district before the three (3) continuous years are completed and is employed by an Arkansas institution of higher education or employed by an education service cooperative and the teacher does not teach in a classroom with students, the teacher, principal, or assistant principal shall repay the department the amount it contributed to the participation fee of the national board and the total amount it contributed to any yearly salary bonus.

(3) The State Board of Education may suspend the Arkansas teacher's license of any person that fails, when required to do so, to repay moneys contributed by the department for the certification program of the national board.

(4) Repayment of moneys contributed by the department is not required if, due to the death or disability of the teacher or other extenuating circumstances as may be recognized by the State Board of Education, the teacher does not complete the certification process of the national board or does not teach in the Arkansas public school system for three (3) continuous school years after completing the certification process of the national board.

(c)(1) Provisions of this section and § 6-17-412 shall apply only to the extent that funds are appropriated to the department to pay for these provisions.

(2)(A) For a member of the Arkansas Teacher Retirement System, the department shall withhold any employee contributions when necessary from the incentive bonus and shall send the employee contributions to the system for credit as a part of the member's salary.

(B) The employer contributions shall be provided from funds that are appropriated to the department to pay for the bonuses and shall be sent to the system for credit as employer contributions to match the member's salary.

(d)(1) As used in this subsection, "speech-language pathologist" means a speech-language pathologist who:

- (A) Has a master's degree, which includes medical-based training;
- (B) Has completed a one-year clinical fellowship;
- (C) Has passed the specialty area of the National Teachers Examination; and

(D) Holds a Certificate of Clinical Competence in Speech-Language Pathology from the American Speech-Language-Hearing Association.

(2) By December 1 of each year, the department shall pay a yearly incentive bonus of five thousand dollars (\$5,000) to a speech-language pathologist who:

(A) Holds an Arkansas teaching license in speech-language pathology;

(B) Is a full-time employee of an Arkansas education service cooperative or public school district as a speech-language pathologist at the time of receiving the bonus; and

(C) Is not considered a purchased service contractor but may be employed under a teacher contract subject to renewal under § 6-17-1506.

(3)(A)(i) Bonuses paid to a certified speech-language pathologist under this subsection shall be paid from the funds appropriated and available for bonuses to speech-language pathologists.

(ii) If sufficient funds are not available to pay the full amount of the bonus to each certified speech-language pathologist as provided under this section, the department may reduce the amount of the bonus for each qualified recipient proportionately as necessary to provide a bonus to each qualified speech-language pathologist in an equal amount.

(B) The cost and expenses related to training for or acquisition of the certificate shall not be funded through the program created under this section and § 6-17-412 but shall be the responsibility of the certified speech-language pathologist.

(4) Although a certified speech-language pathologist entitled to a bonus under this subsection will hold a valid Arkansas teaching license in speech-language pathology, references to "teacher" under this section shall mean a classroom teacher as defined under § 6-17-412(a)(1) who is in the program but not a certified speech-language pathologist.

(5)(A)(i) If a speech-language pathologist who receives a bonus under this subsection leaves employment in the Arkansas public school system before completing three (3) continuous school years of employment, the speech-language pathologist shall repay the department a prorated portion of the bonus received in the school year based on a daily rate for the remainder of a school year in which the speech-language pathologist leaves employment.

(ii) The first year of the three (3) continuous school years is the first year that the speech-language pathologist received a bonus under this subsection (d).

(iii) The daily rate is calculated as the amount of the annual bonus paid to the speech-language pathologist divided by the number of days in the speech-language pathologist's contract.

(B) The State Board of Education may suspend the Arkansas speech-language pathology license of any person who fails to repay the amount of the bonus required to be repaid under this subdivision (d)(5).

(C) Repayment of all or a portion of a bonus under this subdivision (d)(5) is not required if, due to the death or disability of the speech-language pathologist or other extenuating circumstances as may be recognized by the State Board of Education, the speech-language pathologist does not remain employed in the Arkansas public school system for three (3) continuous school years after first receiving the bonus under this subsection.

History. Acts 1997, No. 1225, § 2; 1999, No. 58, § 1; 2001, No. 1060, § 2; 2003, No. 1803, § 1; 2005, No. 1187, § 1; 2009, No. 1326, § 1; 2009, No. 1449, §§ 1-4; 2011, No. 1035, §§ 1, 2.

Amendments. The 2009 amendment by No. 1326 added (c)(2).

The 2009 amendment by No. 1449 inserted (a)(3)(A)(iv)(b) and (a)(3)(B)(ii); substituted "five thousand dollars (\$5,000)" for "two thousand dollars (\$2,000)" in (a)(3)(B)(i); inserted "in an Arkansas public school district or teacher in an accredited teacher preparation program at a state-supported institution of

higher education" in the introductory language of (a)(3)(F); and inserted "and does not teach in an accredited teacher preparation program" in (a)(3)(F)(iii); inserted "or building-level assistant principal" in (b)(1); substituted "three (3)" for "two (2)" in (b)(1), (b)(2), and (b)(4); and made related and minor stylistic changes.

The 2011 amendment added "Bonuses" to the end of the section heading; deleted "certified" preceding "speech-language" in (d)(1); substituted "By December 1 of each year" for "Beginning with the 2005-2006 school year and each school year thereafter" in (d)(2); and added (d)(5).

6-17-414. Criminal records check as a condition for initial employment of nonlicensed personnel.

(a)(1)(A)(i) Except as provided in subdivision (a)(1)(C) of this section, the board of directors of a local school district or an education service cooperative shall require as a condition for initial employment or noncontinuous reemployment in a nonlicensed staff position any person making application to apply to the Identification Bureau of the Department of Arkansas State Police for statewide and nationwide criminal records checks, the latter to be conducted by the Federal Bureau of Investigation.

(ii) The checks shall conform to the applicable federal standards and shall include the taking of fingerprints.

(iii) The Identification Bureau of the Department of Arkansas State Police may maintain these fingerprints in the automated fingerprint identification system.

(iv) The Federal Bureau of Investigation shall promptly destroy the fingerprint card of the applicant.

(v) As used in this section, "nonlicensed staff position" includes parental monitors on school buses as permitted under § 6-19-127.

(B) The person shall sign a release of information to the Department of Education. Unless the employing school district board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be

responsible for the payment of any fee associated with the criminal records checks.

(C)(i) The board of directors of a local school district created by consolidation, annexation, or detachment may waive the requirements under subdivisions (a)(1)(A) and (B) of this section for personnel who were employed by the affected district immediately prior to the annexation, consolidation, or detachment and who had complete criminal background checks conducted as a condition of the person's most recent employment with the affected district as required under this section.

(ii) As used in this section, "affected district" means a school district that loses territory or students as a result of annexation, consolidation, or detachment.

(2) Upon completion of the criminal records check, the Identification Bureau of the Department of Arkansas State Police shall forward all releasable information obtained concerning the person to the Department of Education, which shall promptly inform the board of directors of the local school district or education service cooperative whether or not the applicant is eligible for employment as provided by subsection (b) of this section.

(3)(A) A school district board of directors or an education service cooperative shall require as a condition for initial employment or noncontinuous reemployment of all nonlicensed personnel a Child Maltreatment Central Registry check by the Department of Human Services.

(B) The applicant shall sign a release of information to the Department of Education and shall be responsible for the payment of any fee associated with the Child Maltreatment Central Registry check.

(C) The Department of Human Services shall forward all releasable information concerning the applicant to the Department of Education upon completion of the Child Maltreatment Central Registry check.

(b) No person, including without limitation nonlicensed persons who provide services as a substitute teacher, shall be eligible for employment, whether initial employment, reemployment, or continued employment, by a local school district or education service cooperative in a nonlicensed staff position if that person has a true report in the Child Maltreatment Central Registry or has pled guilty or nolo contendere to or has been found guilty of any of the following offenses by any court in the State of Arkansas or of any similar offense by a court in another state or of any similar offense by a federal court:

(1) Capital murder as prohibited in § 5-10-101;

(2) Murder in the first degree as prohibited in § 5-10-102 and murder in the second degree as prohibited in § 5-10-103;

(3) Manslaughter as prohibited in § 5-10-104;

(4) Battery in the first degree as prohibited in § 5-13-201 and battery in the second degree as prohibited in § 5-13-202;

- (5) Aggravated assault as prohibited in § 5-13-204;
 - (6) Terroristic threatening in the first degree as prohibited in § 5-13-301;
 - (7) Kidnapping as prohibited in § 5-11-102;
 - (8) Rape as prohibited in § 5-14-103;
 - (9) Sexual assault in the first degree, second degree, third degree, and fourth degree, as prohibited in §§ 5-14-124 — 5-14-127;
 - (10) Incest as prohibited in § 5-26-202;
 - (11) Engaging children in sexually explicit conduct for use in visual or print media, transportation of minors for prohibited sexual conduct, employing or consenting to the use of a child in a sexual performance, or producing, directing, or promoting a sexual performance by a child as prohibited in §§ 5-27-303, 5-27-305, 5-27-402, and 5-27-403;
 - (12) Distribution to minors as prohibited in § 5-64-406;
 - (13) Any felony in violation of the Uniform Controlled Substances Act, § 5-64-101 et seq.;
 - (14) Criminal attempt, criminal solicitation, or criminal conspiracy as prohibited in §§ 5-3-201, 5-3-202, 5-3-301, and 5-3-401, to commit any of the offenses listed in this subsection (b);
 - (15) Sexual indecency with a child as prohibited in § 5-14-110;
 - (16) Endangering the welfare of a minor in the first degree as prohibited in § 5-27-205;
 - (17) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child as prohibited by § 5-27-304;
 - (18) False imprisonment in the first degree as prohibited in § 5-11-103;
 - (19) Permanent detention or restraint as prohibited in § 5-11-106;
 - (20) Permitting abuse of a child as prohibited in § 5-27-221(a);
 - (21) Negligent homicide as prohibited by § 5-10-105(a);
 - (22) Assault in the first degree as prohibited by § 5-13-205;
 - (23) Coercion as prohibited by § 5-13-208;
 - (24) Public sexual indecency as prohibited by § 5-14-111;
 - (25) Indecent exposure as prohibited by § 5-14-112;
 - (26) Endangering the welfare of a minor in the second degree as prohibited by § 5-27-206;
 - (27) Computer child pornography as prohibited in § 5-27-603;
 - (28) Computer exploitation of a child in the first degree as prohibited in § 5-27-605;
 - (29) Felony theft as prohibited in §§ 5-36-103 — 5-36-106 and 5-36-203;
 - (30) Robbery as prohibited by §§ 5-12-102 and 5-12-103;
 - (31) Breaking or entering as prohibited by § 5-39-202;
 - (32) Burglary as prohibited by § 5-39-201 and aggravated residential burglary as prohibited by § 5-39-204;
 - (33) Forgery as prohibited by § 5-37-201; and
 - (34) Any felony not listed in this subsection (b) and involving physical or sexual injury, mistreatment, or abuse against another.
- (c) However, the board of directors of a local school district or education service cooperative is authorized to offer provisional employ-

ment to an applicant pending receipt of eligibility information from the Department of Education.

(d)(1) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police or the Department of Human Services pursuant to this section shall not be available for examination except by the affected applicant for employment or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(2) Any information made available to the affected applicant for employment shall be information pertaining to that applicant only.

(3) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than this background check.

(e) The State Board of Education shall determine that an applicant for employment with a school district in a nonlicensed staff position is ineligible for employment if the applicant:

(1) Is required to pass an examination as a requirement of his or her position and the applicant's completed examination test score was declared invalid because of the applicant's improper conduct;

(2) Has an expunged or a pardoned conviction for any sexual or physical abuse offense committed against a child or any offense listed in subsection (b) of this section;

(3) Knowingly submits or provides false or misleading information or knowingly fails to submit or provide information requested or required by law to the Department of Education, the state board, or the Division of Legislative Audit;

(4) Knowingly falsifies or directs another to falsify any grade given to a student, whether the grade was given for an individual assignment or examination or at the conclusion of a regular grading period; or

(5) Has a true report in the Child Maltreatment Central Registry.

(f)(1) The superintendent of each school district shall report to the state board the name of any person currently employed by the local school district who:

(A) Has pleaded guilty or nolo contendere to or has been found guilty of a felony or any misdemeanor listed in subsection (b) of this section;

(B) Has intentionally compromised the validity or security of any student test or testing program administered or required by the Department of Education;

(C) Has knowingly submitted falsified information or failed to submit information requested or required by law to the Department of Education, the state board, or the division; or

(D) Has a true report in the Child Maltreatment Central Registry.

(2) The failure of a superintendent to report information as required by this subsection (f) may result in sanctions imposed by the state board.

(g)(1) If an applicant for employment with a school district has been determined ineligible for employment because the applicant has a true

report in the Child Maltreatment Central Registry, the local school board of directors shall provide a written notice to the applicant and shall afford the applicant the opportunity to request a waiver.

(2) The waiver shall be requested no more than thirty (30) days after receipt of the notice of the denial of employment.

(3) The waiver may be requested by:

- (A) The hiring official;
- (B) The affected applicant; or
- (C) The person subject to dismissal.

(4) Circumstances for which a waiver may be granted shall include without limitation the following:

- (A) The age at which the incident was committed;
- (B) The circumstances surrounding the incident;
- (C) The length of time since the incident;
- (D) Subsequent work history;
- (E) Employment references;
- (F) Character references; and
- (G) Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.

History. Acts 1997, No. 1314, § 1; 2003, No. 42, § 2; 2003, No. 1087, § 10; 2003, No. 1387, § 1; 2003 (2nd Ex. Sess.), No. 103, § 1; 2005, No. 2151, § 7; 2007, No. 823, § 1; 2007, No. 1573, § 24; 2009, No. 376, § 25; 2009, No. 1173, §§ 13–17; 2011, No. 984, § 2.

Amendments. The 2009 amendment by No. 376 inserted “and aggravated residential burglary as prohibited by § 5-39-204” in (b)(32).

The 2009 amendment by No. 1173 inserted (a)(3); substituted “a true report in the child maltreatment central registry or has pled” for “has pleaded” in (b); inserted “or the Department of Human Services” in (d)(1); inserted (e)(5); inserted (f)(1)(D); added (g); and made related changes.

The 2011 amendment added (a)(1)(A)(v).

6-17-415. Criminal records check and Child Maltreatment Central Registry check for existing nonlicensed employees.

(a) It is the clear intent of the General Assembly to authorize each public school district at its discretion to require criminal background checks and Child Maltreatment Central Registry checks of existing nonlicensed employees in the same manner and subject to the same terms and conditions as set forth in this act for newly hired nonlicensed applicants.

(b) Any school district which by a vote of its local school board of directors requires criminal background checks and Child Maltreatment Central Registry checks for existing nonlicensed employees shall pay the full cost of the criminal background checks and Child Maltreatment Central Registry checks.

History. Acts 1997, No. 1314, § 2; 2009, No. 1173, § 18; 2011, No. 989, § 39.

Amendments. The 2009 amendment inserted “and child maltreatment central

registry checks" in three places.

The 2011 amendment substituted "non-licensed" for "noncertified" in the section head and throughout the section.

Meaning of "this act". Acts 1997, No. 1314, § 2 created §§ 6-17-414, 6-17-415, and 6-17-416.

6-17-416. Criminal records check and Child Maltreatment Central Registry check of employees of more than one school district.

Employees, whether new or existing, who have a contract with or work for more than one (1) school district in one (1) year shall be required to have only one (1) criminal background check and one (1) Child Maltreatment Central Registry check to satisfy the requirements of all employing school districts for that year.

History. Acts 1997, No. 1313, § 5; 1997, No. 1314, § 3; 2007, No. 1573, § 25; 2009, No. 1173, § 19.

inserted "and Child Maltreatment Central Registry check" in the section heading; and inserted "and one (1) child maltreatment central registry check."

Amendments. The 2009 amendment

6-17-418. Teacher licensure — Arkansas history requirement.

(a) A person shall not be licensed as a social studies teacher or as an elementary school teacher unless the person has successfully completed at least three (3) hours of college course work in Arkansas history.

(b) However, social studies teachers and elementary school teachers entering Arkansas from another state shall receive a one-year nonrenewable provisional license to teach in Arkansas schools as authorized by § 6-17-403.

(c) The provisions of this section are not applicable to the renewal of a license for a teacher who was licensed before March 24, 1997.

History. Acts 1997, No. 787, § 3; 2011, No. 989, § 40.

Amendments. The 2011 amendment substituted "licensure" for "certification" in the section head; in (a), deleted "Beginning July 1, 2001" at the beginning and

substituted "licensed" for "certified"; substituted "license" for "certificate" in (b); and substituted "the renewal of a license for a teacher who was licensed before" for "recertification of teachers certified prior to" in (c).

6-17-421. Criminal records check for fraudulent acts.

(a) For purposes of this section:

(1) "Applicant" means an individual who is applying for initial employment as a fiscal officer of a school district;

(2) "Fiscal officer" means any licensed or classified employee of a school district or education service cooperative who has any right, duty, or responsibility to access funds of a school district in excess of five thousand dollars (\$5,000), specifically including, but not limited to, superintendents, fiscal officers, and bookkeepers; and

(3) "Fraudulent act" means an act:

(A) Performed willfully and with the specific intent to deceive or cheat for the purpose of either causing some financial loss to another or bringing about some financial gain to the actor; and

(B) For which the actor has pleaded guilty or nolo contendere to or has been found guilty by any court in this state, by a court in another state, or by a federal court.

(b)(1)(A) Upon making application for employment in a position as a fiscal officer of a school district, the board of directors of a school district shall require the employment applicant to authorize release to the Department of Education the results of statewide and nationwide criminal records checks by the Identification Bureau of the Arkansas State Police.

(B) Unless the employing school district's board of directors has taken action to pay for the cost of criminal background checks required by this section, the employment applicant shall be responsible for the payment of any fee associated with the criminal records check.

(2)(A) The criminal background check shall conform to the applicable federal standards and include the taking of the employment applicant's or currently employed fiscal officer's fingerprints.

(B) At the conclusion of the criminal records check required by this section, the Identification Bureau of the Department of Arkansas State Police may maintain the fingerprints in the automated fingerprint identification system.

(3)(A) Any information received by the Department of Education from the Identification Bureau of the Department of Arkansas State Police pursuant to this section shall not be available for examination except by the affected employment applicant or fiscal officer or his or her duly authorized representative, and no record, file, or document shall be removed from the custody of the Department of Education.

(B) Any information made available to the affected employment applicant or fiscal officer shall be information pertaining to that applicant only.

(C) Rights of privilege and confidentiality established under this section shall not extend to any document created for purposes other than the background check.

(4) The Department of Education shall promptly inform the board of directors of the local school district whether or not the affected employment applicant is eligible for employment as provided in this subsection.

(c)(1) No person shall be eligible for employment as a fiscal officer by a local school district if the results of the criminal records check released to the Department of Education by the applicant reveals that the applicant has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act but only after an opportunity for a hearing before the State Board of Education upon reasonable notice in writing.

(2) However, the board of directors of a local school district is authorized to offer provisional employment to the affected applicant

pending receipt of eligibility information from the Department of Education.

(d)(1) The superintendent of each school district shall report to the state board the name of any fiscal officer who is currently employed or was employed during the two (2) previous school years by the local school district who has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act.

(2) A superintendent who knowingly fails to report information as required by this subsection may be subject to sanctions imposed by the state board.

(e) A prosecuting attorney who prosecutes a person who he or she knows is a school employee in a case in which the school employee has pleaded guilty or nolo contendere to or has been found guilty of a fraudulent act shall report the name of the employee and the nature of the crime to the school district in which the person is employed and to the state board.

(f) A fiscal officer who pleads guilty or nolo contendere to or has been found guilty of a fraudulent act shall be dismissed from employment with the school district but only after an opportunity for a hearing before the state board upon reasonable notice in writing.

(g)(1) The state board shall be entitled to consider:

(A) The age of the fiscal officer at the time the criminal act occurred;

(B) The length of time since the conviction;

(C) Whether the fiscal officer has pleaded guilty or nolo contendere to or has been found guilty of any other criminal violation since the original conviction;

(D) Whether the original conviction was expunged or pardoned; and

(E) Any other relevant facts.

(2) The state board after conducting a hearing and issuing a decision in writing may determine not to prevent the employment or not to require the termination of employment of the fiscal officer as required in subsections (c) and (f) of this section.

History. Acts 2003 (2nd Ex. Sess.), No. 82, § 1; 2005, No. 2151, § 10; 2011, No. 989, § 41.

Amendments. The 2011 amendment substituted "licensed or classified" for "certified or noncertified" in (a)(2).

6-17-422. Professional Licensure Standards Board.

(a) There is established the Professional Licensure Standards Board.

(b)(1) The Professional Licensure Standards Board shall consist of fifteen (15) members appointed by the State Board of Education as follows:

(A) The Commissioner of Education or his or her designee, who shall serve as a nonvoting member;

(B)(i) Four (4) public school classroom teachers with a valid Arkansas teaching license who are recommended by the Arkansas Education Association.

(ii) The four (4) public school classroom teachers shall represent the four (4) congressional districts in Arkansas and include classroom teachers who are licensed and teach at:

(a) A licensure level of prekindergarten through grade four (preK-4);

(b) A licensure level of grades four through eight (4-8);

(c) A licensure level of grades seven through twelve (7-12); and

(d) Any licensure level to serve in one (1) at-large position;

(C)(i) Four (4) persons with valid Arkansas teaching and administrator's licenses who represent the four (4) congressional districts in Arkansas and are recommended by the Arkansas Association of Educational Administrators.

(ii)(a) One (1) person shall hold a P-8 building-level leader license and serve as a middle-level building leader.

(b) Two (2) persons shall be public school superintendents with valid Arkansas teaching and administrator's licenses recommended by the Arkansas Association of School Administrators.

(c) One (1) person shall be a public school administrator with a valid Arkansas teaching and administrator's license recommended by the Arkansas Association of School Personnel Administrators;

(D) One (1) nonvoting representative designated by the Department of Education from its offices of licensure and teacher quality recommended by the commissioner;

(E)(i) Three (3) deans of education from Arkansas institutions of higher education recommended by the Arkansas Association of Colleges for Teacher Education.

(ii)(a) One (1) dean shall be from a private institution of higher education.

(b) One (1) dean shall be from a public institution of higher education.

(c) One (1) dean who has knowledge of licensure issues;

(F) One (1) coordinator of educational leadership recommended by the Arkansas Professors of Educational Administration; and

(G) One (1) curriculum program administrator recommended by the Arkansas Association of Supervision and Curriculum Development.

(2)(A) The voting members of the Professional Licensure Standards Board shall elect annually one (1) of the voting members to serve as chair for one (1) year.

(B)(i) The chair shall serve as a nonvoting member during his or her term as chair.

(ii) However, the chair may vote in the case of a tie.

(c)(1) The State Board of Education shall consider all recommendations under subdivision (b)(1) of this section submitted to the secretary of the State Board of Education by June 30 of each year in which the term of a Professional Licensure Standards Board member expires.

(2) If a recommendation for a person qualified to fill a position on the Professional Licensure Standards Board is not received by the deadline, the State Board of Education may appoint any qualified person to fill the position.

(d)(1)(A) Each member of the Professional Licensure Standards Board shall serve a term of three (3) years.

(B) The initial members shall draw lots for staggered terms.

(2) The State Board of Education shall appoint any qualified person to fill a position that is vacated before the expiration of a member's term.

(e) The appointed members of the Professional Licensure Standards Board shall be residents of this state at the time of appointment and throughout their terms.

(f)(1) The Professional Licensure Standards Board shall meet at times and places the chair deems necessary, but no meetings shall be held outside of this state.

(2) A majority of the members of the Professional Licensure Standards Board shall constitute a quorum for the purpose of transacting business.

(3) All action of the Professional Licensure Standards Board shall be by a majority vote of the full membership of the Professional Licensure Standards Board.

(g)(1) Members of the Professional Licensure Standards Board shall serve without pay.

(2) Members of the Professional Licensure Standards Board may receive expense reimbursement in accordance with § 25-16-902, to be paid by the Department of Education to the extent money is available for that purpose.

(h) The Professional Licensure Standards Board shall:

(1) Develop and recommend for adoption to the State Board of Education minimum college level preparatory and grade point average requirements for all teachers applying for initial licensure or additional licensure after July 1, 2007, that shall include minimum requirements for:

(A) Course of study;

(B) Program approval;

(C) Range of approved hours; and

(D) In-class teaching internships or practice teaching hours;

(2)(A) With the assistance of the Department of Education and the Department of Higher Education, review the audits of the teacher education programs offered by all institutions of higher education in the state to determine if the institutions' teacher education programs and courses of study are aligned as necessary to allow graduates of the teacher education program to become licensed under this act and the rules set by the State Board of Education.

(B)(i)(a) To ensure alignment with standards in university course syllabi for licensure, the Department of Education shall conduct audits of licensure programs of study at all Arkansas institutions of higher education.

(b) The audits shall use state standards or national standards for licensure programs, or a combination of both.

(ii) The audits shall be conducted on a five-year cycle beginning on July 1, 2007, and provided to the Professional Licensure Standards Board.

(iii)(a) Institutions of higher education that do not comply with the Department of Education's audit findings and recommendations shall have one (1) semester to bring programs into compliance with the audit recommendations and submit documentation of compliance to the Professional Licensure Standards Board.

(b) If the institution of higher education does not bring its program into compliance with audit recommendations, the Professional Licensure Standards Board shall submit a recommendation to the State Board of Education for discontinuance of the authority of the institution to offer the licensure program; and

(3)(A) Establish a code of ethics for administrators and teachers in educational environments for students in prekindergarten through grade twelve (preK-12).

(B) Upon the approval of the code of ethics, procedures, and recommendations for enforcement required by this subdivision (h)(3), the valid Arkansas teaching license of any person shall be subject to the conditions, requirements, and mandates of the code of ethics, procedures, and recommendations for enforcement.

(C)(i) The Professional Licensure Standards Board may recommend to the State Board of Education and the State Board of Education may approve the monetary fees to be paid by a person for the issuance, reissuance, fine, or penalty associated with the process, procedures, or enforcement of requirements necessary to issue or maintain an Arkansas teaching license.

(ii) Under no circumstances shall any one (1) specific fee or fine exceed one hundred dollars (\$100).

(iii) Revenue collected by the State Board of Education from the fees and fines under this subdivision (h)(3)(C) shall be used for the operation of the Professional Licensure Standards Board.

History. Acts 2007, No. 846, § 3; 2009, No. 337, §§ 1–4; 2009, No. 376, §§ 26, 27; 2009, No. 938, § 1; 2011, No. 981, §§ 5, 6; 2011, No. 1045, § 1.

Amendments. The 2009 amendment by No. 337 redesignated (b)(1) through (b)(7) as (b)(1)(A) through (b)(1)(G); inserted (b)(2); substituted “subdivision (b)(1) for “subsection (b)” in (c); deleted (e)(2) and redesignated the remaining text accordingly; and inserted (h)(3)(D)(ii).

The 2009 amendment by No. 376 redesignated (b)(3), made related and minor

stylistic changes; and substituted “dean” for “of whom” in (b)(5)(B)(iii).

The 2009 amendment by No. 938 added (i).

The 2011 amendment by No. 981 subdivided former (b)(2)(B) as (b)(2)(B)(i) and (ii); and deleted “by June 30, 2007, for the initial board and” preceding “by June 30 of each year” in (c)(1).

The 2011 amendment by No. 1045 deleted (h)(3)(D) through (i).

6-17-423. Professional development after retirement.

(a) In order to maintain a valid teacher's license under § 6-17-401, a person who retires while possessing a valid teacher's license under § 6-17-401 shall not be required to complete approved professional development required by rule of the State Board of Education.

(b)(1) A person who retires while possessing a valid teacher's license under § 6-17-401 and returns to a licensed employment position with a public school district shall complete within the school year of the return to employment the professional development required for the year in which the person returns to licensed employment.

(2) The person shall complete all professional development required during his or her licensed employment.

(c) A retired teacher whose license has expired:

(1) More than one (1) year prior to July 31, 2007, may renew his or her license upon completion of sixty (60) hours of professional development; and

(2) Less than one (1) year prior to July 31, 2007, shall be under subsections (a) and (b) of this section.

History. Acts 2007, No. 628, § 1; 2011, substituted "licensed" for "certified" in No. 989, § 42. (b)(1) and (2).

Amendments. The 2011 amendment

6-17-424. Administrator licensure for counselors — Eligibility.

(a) A school counselor is an eligible candidate for an initial administrator license if the school counselor:

(1) Holds a current standard teaching license;

(2) Has a minimum of four (4) years' experience as a school counselor;

(3) Holds a graduate degree from a regionally accredited institution of higher education; and

(4) Completes the appropriate program of study for an initial administrator license.

(b) The Department of Education shall promulgate the rules necessary to implement this section.

History. Acts 2009, No. 733, § 1.

6-17-425. Subpoena powers.

(a)(1) The following boards shall have the power to issue subpoenas and bring before the board as a witness any person in this state:

(A) Professional Licensure Standards Board, § 6-17-422; and

(B) State Board of Education, § 6-11-101 et seq.

(2) The Professional Licensure Standards Board or the State Board of Education shall by rule provide for the issuance of a subpoena upon the request of a party to a proceeding pending before the Professional Licensure Standards Board or the State Board of Education or at the

request of the Professional Licensure Standards Board or the State Board of Education.

(3) The subpoena shall:

(A) Be in the name of either the Professional Licensure Standards Board or the State Board of Education;

(B) State the name of the board hearing the proceeding and the name of the proceeding; and

(C)(i) Command each person to whom it is directed to give testimony at the time and place specified in the subpoena in one (1) of the following ways:

(a) In person;

(b) Before a certified court reporter under oath at the place of the witness's residence or employment;

(c) By videotaped deposition at the place of the witness's residence or employment; or

(d) By live video communications from the witness's residence, place of employment, or a nearby facility capable of providing video transmission to the board hearing the proceeding that has subpoenaed the witness.

(ii) The manner of providing testimony under the subpoena shall be conducted by video conference testimony unless another manner is agreed upon by the board or commission and the person who is the subject of the subpoena.

(4) The subpoena may require the witness to bring with him or her any book, writing, or other thing under his or her control that he or she is bound by law to produce in evidence.

(5) Service of the subpoena shall be in the manner as provided by law or rule for the service of subpoenas in civil cases.

(b)(1) A witness who has been served by subpoena under this section and who appears in person to testify at the trial or case pending before the Professional Licensure Standards Board or the State Board of Education shall be reimbursed for travel and attendance as provided by law.

(2) If a witness is served with subpoena under this section and fails to provide testimony in obedience to the subpoena, the Professional Licensure Standards Board or the State Board of Education may apply to the circuit court of the county in which the Professional Licensure Standards Board or the State Board of Education is holding the proceeding for an order causing the arrest of the witness and directing that the witness be brought before the court.

(3) The court shall have the power to punish the disobedient witness for contempt as provided by the Arkansas Rules of Civil Procedure.

(4) A witness who has been served with a subpoena under this section may challenge the validity of the subpoena in the circuit court of the county in which the witness resides or is employed.

6-17-426. Repeat audit findings — Review by the Professional Licensure Standards Board.

(a)(1) The Legislative Joint Auditing Committee may refer an audit report of a school district to the Department of Education if:

(A) The audit report of the school district identifies a substantial issue of noncompliance with state or federal financial reporting requirements or other state or federal law or regulation; and

(B) The same issue is identified in two (2) consecutive audit reports.

(2) The department shall submit the audit report referred in subdivision (a)(1) of this section to the Professional Licensure Standards Board in forms approved by the department.

(b) The board shall investigate any referrals made by the committee under its investigative procedures.

(c) No later than July 1 of each year, the board shall report on the disposition of all referrals made to the board by the committee.

History. Acts 2009, No. 1370, § 1.

6-17-427. Superintendent license — Superintendent mentoring program required.

(a)(1) The Department of Education shall develop and sponsor a superintendent mentoring program for first-year superintendents that includes without limitation:

(A) Curriculum and instruction;

(B) Ethics;

(C) Facilities;

(D) Human resources;

(E) Leadership;

(F) School funding; and

(G) Technology.

(2) The department shall incorporate all training that is currently required for first-year superintendents into the superintendent mentoring program.

(3) The State Board of Education shall establish rules to implement the superintendent mentoring program.

(b) Beginning with the 2011-2012 school year, a first-year Arkansas superintendent shall complete the superintendent mentoring program within twelve (12) months of obtaining or maintaining employment as a superintendent to maintain his or her superintendent's license.

(c) This section is subject to the appropriation and availability of funding.

History. Acts 2011, No. 586, § 1.

6-17-428. Ethical violations.

(a) As used in this section:

(1) "Code of ethics" means the code of ethics for educators established by the Professional Licensure Standards Board under § 6-17-422;

(2) "Educator" means a person holding a valid Arkansas teacher's or administrator's license issued by the State Board of Education;

(3)(A) "Ethical violation" means an act or omission on the part of an educator when the educator knew or reasonably should have known that the act or omission was in violation of the code of ethics.

(B) "Ethical violation" does not include:

(i) A reasonable mistake made in good faith;

(ii) An act or omission undertaken in accordance with the reasonable instructions of a supervisor; or

(iii) An act or omission under circumstances in which the educator had a reasonable belief that failure to follow the instructions of a supervisor would result in an adverse job action against the educator; and

(4) "Ethics complaint" means a document that:

(A) States facts constituting an alleged ethical violation of the code of ethics; and

(B) Is signed under penalty of perjury by the person filing the ethics complaint.

(b)(1) The Professional Licensure Standards Board shall:

(A) Establish procedures for:

(i) Receiving and investigating an ethics complaint;

(ii) Enforcing the code of ethics; and

(iii) Granting and conducting hearings under this section;

(B) Make recommendations for enforcement of the code of ethics; and

(C) Establish an ethics subcommittee of the Professional Licensure Standards Board with equal representation of public school teachers and administrators as well as one (1) member from any other category of representation on the Professional Licensure Standards Board.

(2) All rules, procedures, hearings, and appeals relating to the code of ethics complaints under this section shall be promulgated and implemented under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c)(1) The ethics subcommittee of the Professional Licensure Standards Board shall:

(A) Receive and investigate ethics complaints;

(B) Enforce the code of ethics by:

(i) Making a recommendation to the State Board of Education for:

(a) A written warning, a written reprimand, or the written placement of conditions or restrictions on the activities of the educator; or

(b) The revocation, suspension, probation, or nonrenewal of a license issued by the State Board of Education; or

(ii) Issuing a private letter of caution; and

(C) Dismiss an ethics complaint if it finds there is no ethics violation.

(2) The State Board of Education may make an informal disposition of the ethical violation by stipulation, settlement, consent order, or default.

(d) An ethics complaint may be filed with the Professional Licensure Standards Board by any person through:

(1) The Department of Education;

(2) A public school district; or

(3) A public school superintendent.

(e)(1) The ethics subcommittee shall investigate an ethics complaint that it determines is credible.

(2) Following an interview conducted as part of an investigation of an ethics complaint, the investigator shall place in the investigation file a written report of the interview.

(f)(1) Within ten (10) calendar days of authorizing an ethics complaint investigation, the ethics subcommittee shall provide to the educator under investigation:

(A) Written notice of the investigation and the nature of the alleged ethical violation; and

(B) A copy of:

(i) The documents and evidence concerning the facts alleged in the ethics complaint;

(ii) Provisions of this section or other state statutory law applicable to an ethical violation under this section; and

(iii) The applicable rules in effect at the time the ethics complaint is filed.

(2) Upon the completion of the investigation and before an initial consideration of the investigation, the ethics subcommittee shall provide to the educator:

(A) A copy of the documents and evidence concerning the investigation of the ethics complaint; and

(B) Written notice that the ethics subcommittee will consider taking an action against the educator.

(g)(1) Within thirty (30) calendar days after an educator receives the notice, documentation, and evidence from the ethics subcommittee under subsection (f) of this section, the educator may respond to the ethics complaint in writing.

(2) The ethics subcommittee may permit additional time for a response.

(h)(1) Upon receipt of the results of the investigation and any written response from the educator who is the subject of the ethics complaint, the ethics subcommittee shall issue an initial decision and provide notice of the initial decision to the educator.

(2) Within thirty (30) days of receiving notice of the initial decision, if the educator disagrees with the initial decision, the educator may request an evidentiary hearing in the manner specified in the rules of the Professional Licensure Standards Board.

(i)(1) Upon receipt of a request for a hearing, the ethics subcommittee shall grant and conduct a hearing in accordance with its rules.

(2) The educator and the Professional Licensure Standards Board may be represented by representatives of their choosing.

(j) Within ten (10) business days of the ethics subcommittee's taking action following a hearing, the ethics subcommittee shall provide to the educator under investigation a written notice of the action.

(k) The ethics subcommittee shall complete its investigation of an ethics complaint and take action:

(1) Within one hundred fifty (150) days of authorizing the investigation of the ethics complaint; or

(2) If a hearing is conducted, within one hundred eighty (180) days of receiving the ethics complaint.

(l) The time limitations imposed under this section may be waived when reasonable under certain circumstances, including without limitation inclement weather, state or national emergencies, or other unforeseeable events by the:

(1) Educator if the time limitation is imposed upon the ethics subcommittee; or

(2) Ethics subcommittee if the time limitation is imposed upon the educator.

(m) Except as provided in subsection (o) of this section, all records and all hearings, meetings, and deliberations of the Professional Licensure Standards Board and the ethics subcommittee relating to an ethics complaint are confidential and exempt from the Freedom of Information Act of 1967, § 25-19-101 et seq.

(n) All records pertaining to an ethics complaint shall be open for inspection and copying by the educator against whom the ethics complaint is lodged, unless otherwise prohibited by state or federal law.

(o)(1) A hearing under this section before the State Board of Education on a recommendation of the ethics subcommittee for enforcement of the code of ethics is a public hearing.

(2) All records upon which the State Board of Education relies at a hearing under this subsection to make its decision are subject to public disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

History. Acts 2011, No. 1045, § 2.

SUBCHAPTER 6 — LICENSED PERSONNEL TESTING PROGRAM

SECTION.

6-17-601. Board authority and directive.

6-17-602. Application for new licensure.

SECTION.

6-17-603. Reporting of test scores — Confidentiality.

6-17-601. Board authority and directive.

The State Board of Education shall establish and implement a licensed personnel testing program.

History. Acts 1985, No. 350, § 1; A.S.A. 1947, § 80-1270; Acts 2011, No. 989, § 43. substituted “shall” for “is authorized and directed to” and “licensed” for “certified.”
Amendments. The 2011 amendment

6-17-602. Application for new licensure.

Any teacher, administrator, or other licensed person who is not eligible for renewal of the license due to failure to comply with this subchapter is eligible to apply for new licensure under initial licensure regulations or other regulations promulgated by the State Board of Education.

History. Acts 1985, No. 350, § 4; A.S.A. 1947, § 80-1270.3; Acts 1987, No. 512, § 4; 2011, No. 989, § 44. substituted “licensure” for “certification,” “licensed” for “certified,” and “renewal of the license” for “recertification.”
Amendments. The 2011 amendment

6-17-603. Reporting of test scores — Confidentiality.

(a) Scores from the tests required under the provisions of this subchapter shall not be disclosed but shall be retained by the Department of Education as confidential records not subject to the Freedom of Information Act of 1967, § 25-19-101 et seq., or any other act which would require the disclosure thereof. However, the department shall provide each licensed personnel with that person’s test score and the grader’s analysis of the writing portion of the test.

(b) The department shall transmit to the Governor and the House Interim Committee on Education and the Senate Interim Committee on Education a composite report indicating by county the number of persons who failed the tests and the number of persons who passed the tests.

History. Acts 1985, No. 350, § 5; 1985, No. 693, § 2; A.S.A. 1947, § 80-1270.4; Acts 1997, No. 112, § 8; 2011, No. 989, § 45. **Amendments.** The 2011 amendment substituted “licensed” for “certified” in (a).

SUBCHAPTER 7 — IN-SERVICE TRAINING

SECTION.	SECTION.
6-17-702. Staff development sessions.	6-17-707. Arkansas Online Professional Development Initiative.
6-17-704. Professional development plan.	
6-17-705. Professional development credit.	6-17-708. Teen suicide awareness and prevention in-service training.
6-17-706. Professional development credit exemption.	

6-17-702. Staff development sessions.

(a)(1)(A) A school district shall not deny licensed personnel the opportunity to attend certified instructional staff development sessions conducted by bona fide professional organizations within the state.

(B) Licensed personnel may count up to two (2) days of six (6) hours each of attendance at instructional professional development sessions conducted by bona fide professional organizations toward fulfillment of the ten (10) days of staff development required by the Standards for Accreditation of Arkansas Public Schools and School Districts, provided the sessions have been certified by the Department of Education.

(2) The State Board of Education may promulgate rules to implement the certification process for instructional staff development sessions.

(b) This section does not authorize a school district employee to refrain from attending meetings and workshops designed to implement restructuring mandated by the Arkansas Public Education Act of 1997, § 6-15-1001 et seq.

History. Acts 1993, No. 1151, § 1; **Amendments.** The 2009 amendment 1995, No. 663, § 1; 2009, No. 1309, § 1. rewrote the section.

6-17-704. Professional development plan.

(a) As used in this section, "professional development" means a coordinated set of planned learning activities for teachers, administrators, and classified employees that are standards-based and continuous.

(b) The purpose of professional development is to improve teaching and learning in order to facilitate individual, school-wide, and system-wide improvements designed to ensure that all students demonstrate proficiency on state academic standards.

(c)(1) Beginning with school year 2004-2005, each school district shall prepare a professional development plan.

(2)(A) Teachers, administrators, and classified school employees shall be involved in the design, implementation, and evaluation of their respective professional development offerings under the plan.

(B) The evaluation results shall be given to each group of employees in the school district and used to improve professional development offerings.

(d) The professional development offerings may include approved conferences, workshops, institutes, individual learning, mentoring, peer-coaching, study groups, National Board for Professional Teaching Standards certification, distance learning, internships, and college or university course work.

(e)(1) The professional development offerings may meet the objectives of subdivision (e)(2) of this section developed by the National Staff Development Council and shall comply with the rules of the State Board of Education governing professional development.

(2) Professional development that improves the learning of all students:

(A) Requires skillful school and school district leaders who guide continuous instructional improvement;

(B) Organizes educators into learning communities whose goals are aligned with those of the school and school district;

(C) Provides resources to support educator learning and collaboration;

(D) Uses disaggregated student data to determine educator learning priorities, monitor progress, and help sustain continuous improvements;

(E) Uses multiple sources of information to guide educator improvement and demonstrate its impact;

(F) Prepares educators to apply research to decision making;

(G) Uses learning strategies appropriate to the intended goal;

(H) Applies knowledge about human learning and change;

(I) Prepares educators to understand and appreciate all students;

(J) Creates safe, orderly, and supportive learning environments;

(K) Holds high expectations for the students' academic achievement;

(L) Deepens educators' content knowledge;

(M) Provides educators with research-based instructional strategies to assist students in meeting rigorous academic standards;

(N) Prepares educators to use various types of classroom assessments appropriately;

(O) Provides educators with knowledge and skills to appropriately involve families and other stakeholders in education;

(P) Provides educators with knowledge and skills needed to teach students with disabilities, including without limitation autism; and

(Q) Provides educators with knowledge and skills needed to teach culturally and linguistically diverse students.

(f) A teacher shall complete any missed hours of professional development through professional development that is:

(1) Substantially similar to the professional development missed and approved by the person responsible for the teacher's summative evaluation under the Teacher Excellence and Support System, § 6-17-2801 et seq.; and

(2) Delivered by any method, online or otherwise, approved by the Department of Education under the State Board of Education rules.

(g) Accreditation for or approval of professional development for public school teachers and administrators is governed by the rules of the state board.

History. Acts 2003 (2nd Ex. Sess.), No. 83, § 1; 2011, No. 1146, § 1; 2011, No. 1150, § 1; 2011, No. 1209, §§ 4, 5.

Amendments. The 2011 amendment by identical acts Nos. 1146 and 1150 added (e)(2)(P).

The 2011 amendment by No. 1209 substituted "State Board of Education" for "Department of Education" in (e)(1); and added (f) and (g).

6-17-705. Professional development credit.

(a) Up to twelve (12) hours of professional development credit may be earned by licensed personnel for time required at the beginning of each school year to plan and prepare a curriculum and other instructional material for their assigned classes if the time is:

(1) Spent in their classrooms, offices, or media centers at the public school; and

(2) Before the first student-teacher interaction day of the school year, but a school district shall not require licensed personnel to work additional days that are not included in their contracts unless the licensed personnel are paid their daily rate of pay.

(b) Licensed personnel shall earn one (1) hour of professional development credit for each hour of planning and preparation that meets the requirements of subsection (a) of this section.

(c) Licensed personnel may earn the twelve (12) hours of professional development credit required under subsection (a) of this section through online professional development credit approved by the Department of Education and related to the:

(1) School district's Arkansas Comprehensive School Improvement Plan; or

(2) Teacher's professional learning plan under the Teacher Excellence and Support System, § 6-17-2801 et seq.

(d)(1) If illness of a teacher or a teacher's immediate family under § 6-17-1202 prevents a teacher from obtaining the required professional development hours, the teacher shall be allowed to make up the hours missed during the:

(A) Remainder of the current school year; or

(B) Succeeding school year.

(2) The teacher may earn the professional development hours through online professional development.

(e) The State Board of Education shall promulgate the rules necessary for the proper implementation of this section.

History. Acts 2005, No. 1185, § 1; 2009, No. 1309, § 2; 2011, No. 1209, § 6.

Amendments. The 2009 amendment substituted "licensed" for "certified" in (a) and (b); inserted present (c) and (d); redesignated former (c) as (e); and made minor stylistic changes in (a)(2).

The 2011 amendment substituted "learning plan under the Teacher Excellence and Support System, § 6-17-2801 et seq." for "growth plan" in (c)(2).

6-17-706. Professional development credit exemption.

(a) Licensed personnel working part time shall be exempt from one-half (½) of the professional development hours required under the Standards for Accreditation of Arkansas Public Schools and School Districts if they work solely in any of the following adult education programs:

(1) Adult basic education;

(2) General adult education;

(3) English as a second language for adults; and

(4) General Educational Development Test examiners.

(b) The State Board of Education shall promulgate the rules necessary for the proper implementation of this section.

History. Acts 2005, No. 2007, § 1; substituted "Licensed" for "Certified" in 2011, No. 989, § 46. (a).

Amendments. The 2011 amendment

6-17-707. Arkansas Online Professional Development Initiative.

(a) There is created the Arkansas Online Professional Development Initiative.

(b) Under the initiative, the Commissioner of Education shall identify teacher professional development needs in the state and prioritize the needs based on the areas of professional development most needed to improve academic and teaching knowledge and skills of certified personnel.

(c) Based on the needs and priorities identified in the assessment under subsection (b) of this section, the commissioner shall work with the Director of the Educational Television Division of the Department of Education and local school districts to develop a statewide online professional development program that includes quality professional development courses that:

(1) Are aligned to the required focus areas identified in the State Board of Education rules governing professional development and the Arkansas Comprehensive Testing, Assessment, and Accountability Program;

(2) Are aligned with the clear, specific, and challenging academic content areas as established by the Department of Education as required under § 6-15-404;

(3) Are aligned with the state curriculum frameworks established by the department for each class level or subject area included in the respective professional development programs;

(4) Are research-based and available from sources with expertise in technology-delivered professional development courses;

(5) Are consistent with the Southern Regional Education Board Multi-State Online Professional Development Standards in existence on January 1, 2005;

(6) Focus on improving student academic achievement by improving a teacher's academic and teaching knowledge and skills; and

(7) Include an assessment at the end of the program designed to measure each licensed person's level of understanding and ability to implement or apply the information presented in the program.

(d)(1)(A) The Arkansas Educational Television Network shall support the delivery of the online professional development courses developed as part of the initiative to teachers and administrators in each school in each school district in the state via the Internet.

(B) In addition to the online courses developed as part of the initiative, the network may continue to deliver professional development by broadcast, compressed, satellite, and face-to-face methods.

(2) The online professional development courses supported by the network or other providers shall include online registration, course evaluation, and attendance and completion documents.

(3) Any provider of technology-delivered professional development under the initiative shall demonstrate an ability to successfully deliver technology-delivered products and services.

(4) If a technology-delivered professional development course or service that has been identified as needed under the assessment in subsection (b) of this section is not available, the network or other providers shall work with the department to develop a course or service to meet the identified need.

(e) The department shall determine the content of and preapprove all professional development courses or programs delivered by the network that qualify for professional development credit as required by the Standards for Accreditation of Arkansas Public Schools and School Districts or teacher licensure requirements.

(f) The department shall provide the staff and resources needed to provide the quality leadership necessary to coordinate the initiative.

(g) The initiative shall include a method for the department, the network, school districts, schools, and licensed personnel to annually evaluate the effectiveness of the initiative and its online professional development course and programs.

(h)(1) The department may include as part of a school improvement plan guidelines for the professional development programs to be delivered to the licensed personnel employed by a school in school improvement status or a school district in school improvement status or academic distress.

(2)(A) As part of the school improvement plan, the department may require the participation and completion of professional development courses or programs by licensed personnel in the school or school district as appropriate for the licensed personnel's job assignments and duties.

(B) Licensed personnel employed by any school in school improvement or school district in school improvement or academic distress shall participate in, complete, and pass the assessment for the professional development requirements included in the school's or school district's school improvement plan.

(i) The department shall further enhance its leadership role in professional development for licensed personnel by:

(1) Developing technology-based professional development programs and other enhanced professional development options for school districts and licensed personnel; and

(2) Employing two (2) persons who have a high level of expertise in professional development for the purpose of enhancing professional development opportunities as set forth in this section.

History. Acts 2005, No. 2318, § 1; 2006 (1st Ex. Sess.), No. 36, § 1; 2011, No. 989, §§ 47, 48.

substituted "licensed" for "certified" in (c)(7) and (g) through (i); and deleted "Beginning with the 2006-2007 school year" at the beginning of (h)(1).

Amendments. The 2011 amendment

6-17-708. Teen suicide awareness and prevention in-service training.

(a)(1) Beginning in the 2012-2013 school year, the Department of Education shall require two (2) hours of in-service training in teen suicide awareness and prevention one (1) time every five (5) school years for licensed personnel.

(2) The in-service training under this section may be accomplished through self-review of suitable suicide prevention materials approved by the department.

(b) The in-service training under this section shall count toward the satisfaction of requirements for professional development in the Standards for Accreditation of Arkansas Public Schools and School Districts and for licensure requirements for licensed personnel.

History. Acts 2011, No. 770, § 1.

SUBCHAPTER 8 — TEACHERS' SALARIES GENERALLY**SECTION.**

6-17-803. Optional contract payable in monthly installments.

6-17-807. Additional days.

6-17-808. [Repealed.]

6-17-809. Teachers for the visually impaired entering state service.

SECTION.

6-17-810. Teachers for the hearing impaired entering state service.

6-17-811. Incentives for teacher recruitment and retention in high-priority districts.

Effective Dates. Acts 2009, No. 969, § 2: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that there are school districts in economically depressed and low property-wealth areas of the state that face difficulties competing with surrounding, geographically close school districts with regard to teacher salaries and that this makes it difficult for districts in such economically depressed and low property-

wealth areas to recruit and retain qualified teachers; that this act will provide assistance to those high-priority districts to assist them in recruiting and retaining such teachers; and that this act is immediately necessary to provide that assistance for the 2009-2010 school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

6-17-803. Optional contract payable in monthly installments.

(a)(1) Any school district in this state, at the option of the school district board of directors, may enter into contracts for the hiring of teachers to teach in the next coming school year, whereby the annual salaries of such teachers may be paid on the basis of twelve (12) equal monthly installments.

(2) In no case shall the monthly installments under such contracts commence earlier than the first day of the commencement of the school fiscal year covered by the contract.

(b)(1) Any contract entered into pursuant to this section whereby payments are to be made prior to the commencement of the teaching duties under such contract in the school year covered thereby shall contain a clause clearly setting forth the liability of any teacher who receives payments prior to the commencement of teaching duties and who refuses to perform under the terms of the contract.

(2) Such clause shall be to the effect that any schoolteacher breaching such a contract shall be indebted to the school district for the amount of moneys received by him or her under the contract prior to the commencement of his or her teaching duties.

(3) If any teacher fails to repay any money owed to a school district upon a contract breached by him or her, the secretary of the school district shall certify the failure to the Department of Education, and the State Board of Education shall suspend the teacher's license until all of the money is repaid.

(c) Any school district, or any officer thereof, charged with the responsibility of negotiating and entering into contracts for the employment of teachers for such school district shall be relieved of any liability arising from the breach of any contract made in good faith pursuant to the provisions of this section.

History. Acts 1965, No. 70, §§ 1-3; A.S.A. 1947, §§ 80-1330 — 80-1332; Acts 2011, No. 989, § 49.

Amendments. The 2011 amendment,

in (b)(3), substituted "State Board of Education shall suspend the" for "department revoke such" and deleted "to teach" preceding "until all."

6-17-807. Additional days.

(a) If a teacher is required to work more days than provided for under the teacher's contract, then the teacher's pay under the contract shall be increased proportionately so that the teacher will receive pay for each additional day the teacher is required to work at no less than the daily rate paid to the teacher under the teacher's contract.

(b) Each school district in this state shall establish a normal base contract period for teachers.

(c) The normal base contract period for each school district shall be the number of days the majority of teachers employed by the school district in the 2000-2001 school year are required to work as specified on the 2000-2001 contracts as of March 1, 2001.

(d) If the normal base contract period in any school district is increased, the teacher's pay under the contract shall be increased proportionately so that the teacher will receive pay for each day added to the contract at no less than the daily rate paid to the teacher under the teacher's current existing contract.

(e) This section shall not apply to separate contracts for employment with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license to perform those services.

(f) If the school district desires to employ a teacher part time to perform services for the school district in the teacher's field of licensure after expiration of the normal base contract, as part of the teacher's normal teaching contract, the school district may contract for such part-time work as long as the teacher is agreeable and is paid on a pro rata basis for that work.

(g) A school district which contracts with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license to perform those services shall enter into a separate contract with the teacher for those services and shall not condition initial employment of the teacher or renewal of the teacher's regular teaching contract on entering into such a separate contract.

History. Acts 1989, No. 712, § 1; 2001, No. 1735, § 1; 2011, No. 989, § 50.

Amendments. The 2011 amendment

substituted "license" for "certificate" in (e) and (g); and substituted "licensure" for "certification" in (f).

6-17-808. [Repealed.]

Publisher's Notes. This section, concerning the Arkansas Classified Personnel Salaries Study Commission, was repealed by Acts 2009, No. 376, § 28. The section

was derived from Acts 1991, No. 395, §§ 1-4; 1997, No. 112, § 9; 1999, No. 391, §§ 7, 8; 1999, No. 1542, § 1.

6-17-809. Teachers for the visually impaired entering state service.

Upon the superintendent's certification to the state personnel administrator of prior service at an educational institution and of the most recent contractual salary, the salary of teachers holding licensure in teaching the visually impaired and entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than their most recent annual salary.

History. Acts 1999, No. 1012, § 9; 2011, No. 989, § 51.

A.C.R.C. Notes. Acts 2011, No. 533, § 13, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers

for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Amendments. The 2011 amendment substituted "licensure" for "certification."

6-17-810. Teachers for the hearing impaired entering state service.

Upon the superintendent's certification to the state personnel administrator of prior service at an educational institution and of the most recent contractual salary, the salary of teachers holding licensure in teaching the hearing impaired and entering state service as teachers

for the sensory impaired may be adjusted to a rate of pay closest to but not less than their most recent annual salary.

History. Acts 1999, No. 1013, § 14; 2011, No. 989, § 52.

A.C.R.C. Notes. Acts 2011, No. 532, § 10, provided: "CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers

may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASD.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

Amendments. The 2011 amendment substituted "licensure" for "certification."

6-17-811. Incentives for teacher recruitment and retention in high-priority districts.

(a) As used in this section:

(1) "High-priority district" means a public school district:

(A) In which eighty percent (80%) or more of public school students are national school lunch students; and

(B)(i) Except as provided by subdivision (a)(1)(B)(ii) of this section, that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.

(ii) In order to further the state's policy of encouraging efficiency and the expansion of available course offerings that might be achieved through the voluntary consolidation or annexation of school districts, qualifying teachers in the resulting school district in an approved voluntary consolidation under § 6-13-1404(a)(2) or § 6-13-1603(a) or in a receiving district in an approved voluntary annexation under § 6-13-1403(a)(2)-(4) or § 6-13-1603(a) shall continue to receive the funding provided under this section if all school districts in the voluntary consolidation or annexation were high-priority districts in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.

(iii) By April 15 of each year, the State Board of Education shall determine the districts that qualify as high-priority districts of the state;

(2)(A) "National school lunch students" means those students or the percentage of enrolled students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of each previous school year and submitted to the Department of Education, unless the school district is identified by the Department of Education as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.

(B) If the school district is participating under 42 U.S.C. § 1759a, then for purposes of this section, the school district's annual percent-

age of national school lunch students is equal to the percentage submitted in the base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type;

(3)(A) "New teacher bonus" means an incentive bonus provided under subdivisions (b)(1)-(3) of this section to a teacher who is within the first three (3) years of employment with a single high-priority district.

(B) A teacher is not entitled to receive a new teacher bonus from any high-priority district other than the high-priority district that first employed the teacher and paid the teacher a new teacher bonus;

(4) "Previous year" means the school year immediately preceding the present school year;

(5) "Retention bonus" means an incentive bonus provided under subdivision (b)(4) or subdivision (b)(5) of this section; and

(6)(A) "Teacher" means a licensed classroom teacher who spends seventy percent (70%) of his or her time working directly with students in a classroom setting teaching all grade-level or subject-matter appropriate classes.

(B) "Teacher" includes a guidance counselor or librarian.

(b) At the end of the school year and upon completion of a licensed teacher's contracted teaching obligations, a teacher who completes the entire current school year teaching in a high-priority district may be entitled to receive in addition to all other contracted salary and benefits:

(1) For a newly hired teacher who has not previously taught in a high-priority district, a one-time signing bonus of five thousand dollars (\$5,000) for the first year of service in the high-priority district, to be paid upon completion of the full year of teaching;

(2) For a newly hired teacher who meets the requirements of subdivision (b)(1) of this section, who continues to teach in the same high-priority district, and who completes the second full year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000) in addition to all other contracted salary and benefits;

(3) For a teacher who meets the requirements of subdivisions (b)(1) and (2) of this section, who continues to teach in the same high-priority district, and who completes a third year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000) in addition to all other contracted salary and benefits;

(4) For a teacher who meets the requirements of subdivisions (b)(1)-(3) of this section, who enters his or her fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed at the time he or she received a new teacher bonus under subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars (\$3,000) for the fourth and each subsequent complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations; and

(5) For a teacher employed in a high-priority district who does not meet the requirements of subdivisions (b)(1)-(3) of this section, a retention bonus of three thousand dollars (\$3,000) for each complete year of service in the high-priority district, to be paid at the end of the school year after completing all contractual obligations.

(c)(1) A teacher shall not be entitled to a bonus provided under this section unless the teacher has fulfilled his or her contractual obligations for the current school year.

(2) The superintendent of the high-priority district where the teacher is employed shall certify in writing to the department that the teacher has completed all contractual obligations for the school year.

(d) The department shall:

(1) Monitor the implementation of the incentive program established by this section;

(2) Collect data to be used to evaluate the incentive program's effectiveness; and

(3) Promulgate any necessary rules to administer the requirements of this teacher recruitment and retention program.

(e)(1) The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts and are subject to the appropriation and availability of funding for the payment of the bonuses.

(2) If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the department shall distribute the available funding to qualified teachers on a pro rata basis.

History. Acts 2003 (2nd Ex. Sess.), No. 101, § 1; 2005, No. 1962, § 12; 2005, No. 2151, § 31; 2007, No. 1044, § 1; 2009, No. 969, § 1; 2011, No. 1135, § 1.

Amendments. The 2009 amendment rewrote (a); rewrote the introductory language of (b); substituted "five thousand dollars (\$5,000)" for "four thousand dollars (\$4,000)" in (b)(1); substituted "four thousand dollars (\$4,000)" for "three thousand dollars (\$3,000)" in (b)(2) and (b)(3); substituted "three thousand dollars (\$3,000)" for "two thousand dollars

(\$2,000)" in (b)(4) and (b)(5); deleted former (d); redesignated former (e) as (d); added present (e); and made minor stylistic changes throughout.

The 2011 amendment substituted "national school lunch students" for "eligible for the free or reduced-price lunch program under the National School Lunch Act based on the October 1 student count of the previous year submitted to the Department of Education" in (a)(1); and inserted present (a)(2) and redesignated the remaining subdivisions accordingly.

SUBCHAPTER 9 — THE ARKANSAS TEACHERS' SALARY LAW

SECTION.

6-17-908. Teachers' salary fund.

6-17-915. Filing of personnel lists.

6-17-908. Teachers' salary fund.

(a) Only warrants or checks in payment of the following shall be paid from the teachers' salary fund:

- (1) Salaries of teachers;
- (2) Dues of teachers to professional organizations;
- (3) Teachers' contributions to the Arkansas Teacher Retirement System; and

(4)(A) Insurance or other fringe benefits for teachers.

(B) However, insurance or other fringe benefits must be approved by a majority of the teachers in the school district voting in a secret election.

(b) The county treasurer and his or her surety or the district treasurer, if the school district has its own treasurer, and his or her surety shall be liable for any warrants or checks paid from the teachers' salary fund which are not herein authorized.

(c) No officer, agent, or other person shall charge or collect any commission for handling any part of the teachers' salary fund.

History. Acts 1941, No. 319, §§ 3, 15; 1943, No. 136, § 2; 1945, No. 301, § 2; 1979, No. 602, § 1; A.S.A. 1947, §§ 80-1303, 80-1315; Acts 1993, No. 294, § 11; 2009, No. 376, § 29.

Amendments. The 2009 amendment subdivided (a); deleted "as defined in § 6-17-902" following "teachers" in (a)(1); and made related and minor stylistic changes.

6-17-915. Filing of personnel lists.

The ex officio financial secretary of each school district in the state shall file on or before October 1 of each year a list of all licensed personnel and all classified personnel employed by the school district for the current year setting forth the annual salary of each and such other information as the State Board of Education may prescribe.

History. Acts 1941, No. 319, § 5; 1945, No. 301, § 4; 1949, No. 451, § 4; 1979, No. 719, § 1; A.S.A. 1947, § 80-1305; Acts 2011, No. 989, § 53.

Amendments. The 2011 amendment substituted "all licensed personnel and all classified personnel" for "all personnel, certified and noncertified."

SUBCHAPTER 11 — INSURANCE

SECTION.

- 6-17-1109. Life and disability insurance
— Notice, evaluation, and approval of bid proposals.
- 6-17-1111. Life and disability insurance
— Employee eligibility — Allocation of costs.

SECTION.

- 6-17-1112. Life and disability insurance
— Members of retirement systems.
- 6-17-1113. School Worker Defense Program.
- 6-17-1114. Cooperation.

Effective Dates. Acts 2011, No. 993, § 18; Apr. 1, 2011. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that it is the state's constitutional obligation to provide a general, suitable, and efficient free system of public schools

in the state; that the public school funding distribution changes in this act are needed to ensure that proper funding is provided to the affected public charter schools; and that this act is immediately necessary so that the affected public charter schools will receive the amount of

funding provided under this act for the current school year. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If

the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

6-17-1109. Life and disability insurance — Notice, evaluation, and approval of bid proposals.

(a) Before selecting a policy or entering into an agreement with an insurance company for the providing of life or disability insurance for public school employees as authorized in this subchapter, the State and Public School Life and Health Insurance Board shall publicize, by inserting in one (1) or more newspapers having a general circulation in the State of Arkansas, notice that bid proposals for the providing of life or disability insurance for public school employees will be received by the board on the date and at the place stated in the notice.

(b) The notice shall be published by two (2) insertions with the first insertion to be at least thirty (30) days before the date for receiving bids and with the second insertion to be not later than two (2) weeks before the date for receiving bids.

(c)(1) The board shall open all bids in a public meeting at the time and place established in the notice for receiving bid proposals.

(2) All bids so opened shall be made available for public inspection.

(d)(1) The board shall evaluate each bid proposal according to the uniform criteria established by the Insurance Commissioner for evaluating benefits in relation to premiums to be charged for the benefits.

(2) The board shall also determine that each insurance company submitting a bid meets the minimum standards for financial solvency and ability to provide services as promulgated by the commissioner.

(e) After reviewing all bids, the board may approve the policy proposal with the insurance company that the board determines has submitted the bid with the best benefit coverage in relation to the premiums to be paid, as the board determines to be in the best interest of the public school employees' life or disability program.

(f) A bid contract shall be for a minimum of five (5) years.

(g) However, the board may reject any bid and readvertise for bids as set forth in this section.

History. Acts 1977, No. 834, § 10; A.S.A. 1947, § 80-5110; Acts 1993, No. 855, § 3; 2009, No. 376, § 30.

Amendments. The 2009 amendment substituted "board" for "committee"

throughout the section; substituted "State and Public School Life and Health Insurance Board" for "committee" in (a); subdivided (c) and (d); and made related and minor stylistic changes.

6-17-1111. Life and disability insurance — Employee eligibility — Allocation of costs.

Eligible employees shall include:

(1) All licensed employees in public schools who are normally expected to work nine hundred (900) hours or more per year, whose salaries are paid from the school district's teacher salary fund, and all other employees of public schools who are normally expected to work nine hundred (900) hours or more per year and whose salaries are paid from the school district's local or state revenue;

(2)(A) All other employees of the school district whose salaries are not paid from the school district's local or state revenues, provided these employees are licensed or they are normally expected to work nine hundred (900) hours or more per year.

(B) The employing school district is required to pay the same amount per month for these employees as the General Assembly appropriates for employees in subdivision (1) of this section.

(C) The State and Public School Life and Health Insurance Board may establish the manner in which this payment is to be made if the manner of payment is not in violation of any other law, rule, or regulation governing the school district.

(3) In the event that an employee shall draw part of his or her salary from the school district's local or state revenue and part of his or her salary from another fund administered by the school district, the employer's share of the cost of his or her insurance shall be prorated between the provisions of subdivisions (1) and (2) of this section.

History. Acts 1977, No. 834, § 12; School Life and Health Insurance Board" for "committee," and made minor stylistic changes.
1983, No. 321, § 1; A.S.A. 1947, § 80-5112; Acts 1987, No. 632, § 1; 2009, No. 376, § 31; 2011, No. 989, § 54.

Amendments. The 2009 amendment, in (2)(C), substituted "State and Public" The 2011 amendment substituted "licensed" for "certified" in (1) and (2)(A).

6-17-1112. Life and disability insurance — Members of retirement systems.

(a) Members of the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System who have rendered, or shall render, service as employees of the public schools who hereafter retire and receive retirement benefits under such systems shall be eligible to participate in the group insurance program administered by the Employee Benefits Division of the Department of Finance and Administration under the provisions of this subchapter and other laws enacted to implement such programs, provided that such persons are participating in the group insurance program at the time of retirement.

(b)(1) In addition, upon the death of an active member of the Arkansas Teacher Retirement System, the survivors of such member who are eligible for or are receiving an annuity under the system and who were covered on the active member's health insurance policy at the

time of death shall have the option of continuing to be a member of such insurance group at the prevailing rates established for members of the Arkansas Teacher Retirement System, upon application for such coverage.

(2) Upon the death of a retired member of the Arkansas Teacher Retirement System, a survivor of a member who was receiving an annuity under the system and who was covered on the member's health insurance policy at the time of the member's death shall have the option of continuing to be a member of the insurance group at the prevailing rates established for the members of the Arkansas Teacher Retirement System upon application for the coverage.

(c)(1) A person drawing retirement benefits under the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System who elects to participate or continue to participate in the group insurance program provided by the division shall pay the retiree portion of the premium or cost of the policy.

(2) The retiree portion of the premium or cost shall be deducted from the retirement benefit check of the participant.

(d) To the extent that funding is appropriated and available for this purpose, the retiree portion of the premium or cost of a health insurance policy under this section for a member of the Arkansas Teacher Retirement System who is not Medicare primary shall not exceed the retiree portion of the premium or cost of a health insurance policy under this section for a member of the Arkansas Public Employees' Retirement System who is not Medicare primary.

(e)(1) The state may make a monthly contribution on behalf of the members who participate in the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System group insurance program provided by the division multiplied by the amount necessary to meet the requirement of subsection (d) of this section.

(2) The state contribution amount shall not exceed the state contribution amount permitted by law for state contributions for members and retirees of the Arkansas Teacher Retirement System and the Arkansas Public Employees' Retirement System to the division for the benefit of state employees as provided in § 21-5-414.

(3) The Department of Finance and Administration may make a monthly contribution to partially defray the cost of the group insurance provided in this section utilizing funds made available for that purpose, not to exceed the amount authorized by law.

History. Acts 1977, No. 834, § 12; 1985 (1st Ex. Sess.), No. 10, § 1; 1985 (1st Ex. Sess.), No. 19, § 1; A.S.A. 1947, § 80-5112; Acts 2009, No. 1172, § 1.

Amendments. The 2009 amendment substituted "administered by the Employee Benefits Division of the Department of Finance and Administration under" for "instituted pursuant to" in (a); inserted (b)(2) and redesignated the exist-

ing text of (b) as (b)(1) and (c); in (b)(1), deleted "or a retired member" following "active member," and inserted "or are receiving" and "health insurance"; in (c)(1), substituted "by the Employee Benefits Division of the Department of Finance and Administration" for "for herein," and substituted "retiree portion" for "full amount"; added (d) and (e); and made related and minor stylistic changes.

6-17-1113. School Worker Defense Program.

(a)(1) The Department of Education shall establish a School Worker Defense Program for the protection under subdivision (a)(2) of this section of:

- (A) Education service cooperatives;
- (B) Education service cooperative board members;
- (C) School districts;
- (D) Public charter schools;
- (E) School board members;
- (F) School treasurers and bookkeepers;
- (G) School nurses;
- (H) School secretaries;
- (I) Substitute teachers;
- (J) Authorized volunteers;
- (K) Volunteers in a registered volunteers program;
- (L) School custodians;
- (M) Food service workers employed by public schools;
- (N) Bus drivers and mechanics employed by public schools;
- (O) Maintenance personnel employed by public schools;
- (P) Each employee of the following who is required to hold a teaching certificate issued by the department:
 - (i) A public school district;
 - (ii) The Arkansas School for Mathematics, Sciences, and the Arts;
 - (iii) The Arkansas School for the Deaf; and
 - (iv) The Arkansas School for the Blind;
- (Q) A public charter school teacher;
- (R) Each teacher's aide and each student teacher:
 - (i) In a public school district;
 - (ii) In a public charter school;
 - (iii) In the Arkansas School for Mathematics, Sciences, and the Arts;
 - (iv) In the Arkansas School for the Deaf; and
 - (v) In the Arkansas School for the Blind; and
- (S) Each member of the dormitory staff of:
 - (i) The Arkansas School for Mathematics, Sciences, and the Arts;
 - (ii) The Arkansas School for the Deaf; and
 - (iii) The Arkansas School for the Blind.

(2) This section provides protection against civil liability, attorney's fees, and costs of defense for acts or omissions of each employee or volunteer in the performance of his or her duties as a volunteer or his or her official duties as a school employee, including civil liability for administering corporal punishment to students, in the amount of two hundred fifty thousand dollars (\$250,000) for incidents which occurred prior to July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for each incident which occurs after June 30, 1999.

(b)(1) The program is further authorized to provide limited financial reimbursement not to exceed five thousand dollars (\$5,000) for attor-

ney's fees and costs for the defense of criminal charges if the covered person is exonerated by a court of law or if all charges are subsequently withdrawn or dismissed unless such withdrawal or dismissal is conditioned upon termination of employment.

(2) The School Worker Defense Program Advisory Board may authorize reimbursement under this subsection (b) in excess of five thousand dollars (\$5,000) in matters that the advisory board finds to require extraordinary attorney's fees and costs.

(c)(1) The cost of the School Worker Defense Program shall be paid annually out of funds in the Public School Fund that are designated for that specific purpose.

(2) Any school districts previously covered by or moneys expended pursuant to the self-insurance program of the department or the School Worker Defense Program shall be deemed a proper expenditure of state funds.

(d) The investigation of any incident or the defense of any protected person does not waive or forfeit any immunity or authorization to provide for hearing and settling claims extended to educational entities and their personnel by the laws of the State of Arkansas.

(e)(1) The defense fund and protection program authorized in this section shall be a part of and administered by the department.

(2) The department shall adopt appropriate rules and regulations necessary to carry out the purposes of this section.

(f) Any person entitled to payment under the program may appeal the decision of the department to the advisory board.

History. Acts 1977, No. 585, §§ 1, 2, 4; 1983, No. 566, § 1; A.S.A. 1947, §§ 80-113.1 — 80-113.3; Acts 1987, No. 612, § 1; 1989, No. 274, § 1; 1991, No. 276, § 1; 1993, No. 355, § 1; 1997, No. 948, § 1; 1997, No. 1012, § 7; 1997, No. 1305, § 1; 1999, No. 540, § 1; 2011, No. 993, § 1.

Amendments. The 2011 amendment redesignated former (a) as present (a)(1); inserted "under subdivision (a)(2) of this section" in the introductory language of (a)(1); redesignated former (a)(1) through

(a)(17) as (a)(1)(A) through (a)(1)(S); inserted (a)(1)(D); added "the following who is required to hold a teaching certificate issued by the department" in the introductory language of (a)(1)(P); deleted "who is required to hold a teaching certificate issued by the department" following "Blind" in (a)(1)(P)(iv); inserted (a)(1)(Q); added the (a)(2) designation; and added "This section provides protection" at the beginning of (a)(2).

6-17-1114. Cooperation.

It is the duty of the State and Public School Life and Health Insurance Board, the Supervisor of the Public School Employees Insurance Section and the insurance section employees, the Department of Education, and each public school district and their officers and employees:

(1) To cooperate with one another, when called upon to do so, in all such reasonable ways as will assist or further the objectives of the board by making available records and statistical or other data or information to provide legal and actuarial advice; and

(2) If required, to occasionally make available the services of their officers and employees.

History. Acts 1977, No. 834, § 13; A.S.A. 1947, § 80-5113; Acts 2009, No. 376, § 32.

Amendments. The 2009 amendment substituted "State and Public School Life

and Health Insurance Board" for "committee" in the introductory language; substituted "board" for "committee" in (1); and made minor stylistic changes.

6-17-1117. Health insurance.

A.C.R.C. Notes. Acts 2009, No. 1421, § 27, provided: "PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-1117 (a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2010, No. 293, § 25, provided: "PUBLIC SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and twenty cents (\$11.20) from each contribution made under Arkansas Code § 6-17-1117(a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2011, No. 855, § 1, provided: "Legislative findings. The General Assembly finds that:

"(1) Morbid obesity causes many medical problems and costly health complications, such as diabetes, hypertension, heart disease, and stroke;

"(2) The cost of managing the complications of morbid obesity, largely due to inadequate treatment, far outweighs the cost of expeditious, effective medical treatment;

"(3) Guidelines developed by the National Institutes of Health, the American Society for Bariatric Surgery, the American Obesity Association, and Shape Up America and embraced by the American Medical Association and the American College of Surgeons recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

"(4) The diagnosis and treatment of morbid obesity should be a clinical decision made by a physician based on evidence-based guidelines."

Acts 2011, No. 855, § 2, provided: "Definitions.

"As used in this subchapter:

"(1) 'Body mass index' means body weight in kilograms divided by height in meters squared; and

"(2)(A) 'Morbid obesity' means a weight that is at least two (2) times the ideal weight for frame, age, height, and gender of an individual as determined by an examining physician.

"(B) Morbid obesity may be measured as a body mass index:

"(i) Equal to or greater than thirty-five kilograms per meter squared (35 kg/m²) with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or

"(ii) Greater than forty (40) kilograms per meter squared (40 kg/m²)."

Acts 2011, No. 855, § 3, provided: "Pilot Program on coverage for morbid obesity diagnosis and treatment.

"(a)(1) A state and public school employees health benefit plan that is offered, issued, or renewed on or after January 1, 2012, shall offer coverage for the diagnosis and treatment of morbid obesity.

"(2) The coverage for morbid obesity offered under subdivision (a)(1) of this section includes without limitation coverage for bariatric surgery including:

"(A) Gastric bypass surgery;

"(B) Adjustable gastric banding surgery;

"(C) Sleeve gastrectomy surgery, and

"(D) Duodenal switch biliopancreatic diversion.

"(b) A state and public school employees health benefit plan shall offer the benefits under this section to the same

extent as for other medically necessary surgical procedures under the enrollee's or insured's contract or policy with the entity.

"(c) The coverage for morbid obesity diagnosis and treatment offered under this subchapter does not diminish or limit benefits otherwise allowable under a state and public school employees health benefit plan."

Acts 2011, No. 855, § 4, provided: "RULES. The State and Public School Life and Health Insurance Board shall adopt rules to implement this subchapter."

Acts 2011, No. 855, § 5, provided: "This act shall become null and void and cease to have any effect at midnight on December 31, 2017."

Acts 2011, No. 1175, § 25, provided: "The Employee Benefits Division of the Department of Finance and Administration may use up to eleven dollars and

twenty cents (\$11.20) from each contribution made under Arkansas Code § 6-17-1117(a) to offset the cost of health insurance premiums to eligible members electing to participate in the public school employees' health insurance program as a retiree."

Acts 2011, No. 1175, § 27, provided: "HEALTH INSURANCE. The appropriation contained herein for Public School Employee Insurance each fiscal year shall be used to provide the state contribution for insurance premiums for employees of the Cooperative Education Services Areas, Vocational Centers, and the school operated by the Department of Correction who participate in the Arkansas Public School Life and Health Insurance Program.

"The provisions of this section shall be in effect only from July 1, 2011 through June 30, 2012."

SUBCHAPTER 12 — TEACHERS' MINIMUM SICK LEAVE LAW

SECTION.

6-17-1202. Definitions.

6-17-1204. Amount and use of leave.

6-17-1202. Definitions.

As used in this subchapter:

(1) "Accumulated sick leave" means the total number of days of unused sick leave that a teacher has to his or her credit;

(2) "Immediate family" means the teacher's:

(A) Spouse;

(B) Child;

(C) Parent; or

(D) Any other relative if the other relative lives in the same household as the teacher;

(3) "Month or major portion thereof" means twelve (12) or more working days in a calendar month, including all professional development days required by the school district that count toward the annual sixty (60) hours of required professional development for a teacher;

(4) "Sick leave" means absence with full pay from one's duties in a public school for personal illness or illness in one's immediate family, except for an absence due to personal injury resulting from either an assault or other violent criminal act as provided in this subchapter; and

(5) "Teacher" means any full-time employee of a local school district who is compelled by law to secure a license from the State Board of Education as a condition precedent to employment.

History. Acts 1971, No. 137, § 2; 1975, No. 386, § 1; A.S.A. 1947, § 80-1250; Acts 1993, No. 1115, § 1; 2005, No. 1195, § 1; 2011, No. 1215, § 1.

Amendments. The 2011 amendment inserted present (3) and redesignated the remaining subdivisions accordingly.

6-17-1204. Amount and use of leave.

(a)(1) Each school district in the state shall provide sick leave for each of its teachers at a minimum rate of one (1) day per month or major portion thereof that the teacher is contracted at full pay.

(2) A school district shall credit one (1) day of sick leave to a teacher if the teacher:

(A) Used one (1) day of sick leave on a mandatory professional development day; and

(B) Made up the missed mandatory professional development day on a noncontract day.

(b) Such leave shall be in force beginning with the first day of the first school term for which each teacher is employed.

(c) If a teacher resigns or leaves his or her teaching position for any reason before the end of the school term, the employing school district may deduct from his or her last paycheck full compensation for any days of sick leave used in excess of the number of days earned.

(d) A teacher shall be entitled to sick leave only for reasons of personal illness or illness in his or her immediate family.

History. Acts 1971, No. 137, § 3; 1975, No. 386, § 1; A.S.A. 1947, § 80-1251; Acts 2011, No. 1215, § 2.

Amendments. The 2011 amendment inserted (a)(2).

SUBCHAPTER 15 — TEACHER FAIR DISMISSAL ACT

SECTION.

6-17-1502. Definitions.

6-17-1504. Evaluation — Effect.

6-17-1507. Notice of termination recommendation.

SECTION.

6-17-1510. Board action on termination or nonrenewal — Appeal.

6-17-1501. Title.

CASE NOTES

Teacher.

Grant of summary judgment in favor of the school district in the teacher's action after he was terminated was inappropriate because the unambiguous terms of the teacher's contract governed and the trial court erred in considering parol evidence in construing that contract. Further, the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., defined "teacher" as any

person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who was required to hold a teaching certificate from the Department of Education as a condition of employment, § 6-17-1502(a)(1); it was undisputed that the teacher met that definition too. *Barnett v. Mt. View Sch. Dist.*, 2010 Ark. App. 333, — S.W.3d — (2010).

6-17-1502. Definitions.

(a) As used in this subchapter:

(1) "Probationary teacher" means a teacher who has not completed three (3) successive years of employment in the school district in which the teacher is currently employed. A teacher employed in a school district in this state for three (3) years shall be deemed to have completed the probationary period; however, an employing school district may, by a majority vote of its directors, provide for one (1) additional year of probationary status; and

(2) "Teacher" means any person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who is required to hold a teaching license from the State Board of Education as a condition of employment.

(b) A teacher who has completed three (3) successive years of employment in the school district in which the teacher is employed on July 4, 1983, or a teacher who has been given credit for a prior service in another school district as authorized by subdivision (a)(2) of this section, is deemed to have completed the required probationary period.

History. Acts 1983, No. 936, §§ 2, 4; A.S.A. 1947, §§ 80-1266.1, 80-1266.3; Acts 2011, No. 989, § 55.

substituted "license from the State Board" for "certificate from the Department" in (a)(1).

Amendments. The 2011 amendment

CASE NOTES

ANALYSIS

Hearing.
Teacher.

Hearing.

Circuit court did not err in granting a teacher injunctive relief and enjoining a school district from denying the teacher a hearing or refusing to renew his contract until his rights were adjudicated in the hearing because the teacher was entitled to the provision of the Arkansas Teacher Fair Dismissal Act, § 6-17-1509, that afforded him a hearing; nothing in the Act indicates that a teacher is not employed unless he or she has a written contract, and the requirement of the Act, § 6-17-1506(a), that a teacher's contract must be renewed in writing refers to an original "contract" but does not specify that it be a written contract. *Fayetteville Pub. Schs v. Dial*, 2010 Ark. App. 296, — S.W.3d — (2010), rehearing denied, — Ark. App. —,

— S.W.3d —, 2010 Ark. App. LEXIS 445 (May 12, 2010).

Teacher.

Grant of summary judgment in favor of the school district in the teacher's action after he was terminated was inappropriate because the unambiguous terms of the teacher's contract governed and the trial court erred in considering parol evidence in construing that contract. Further, the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., defined "teacher" as any person, exclusive of the superintendent or assistant superintendent, employed in an Arkansas public school district who was required to hold a teaching certificate from the Department of Education as a condition of employment, pursuant to subdivision (a)(1) of this section; it was undisputed that the teacher met that definition too. *Barnett v. Mt. View Sch. Dist.*, 2010 Ark. App. 333, — S.W.3d — (2010).

6-17-1504. Evaluation — Effect.

(a) Each teacher employed by the board of directors of a school district shall be evaluated in writing under the Teacher Excellence and Support System, § 6-17-2801 et seq.

(b) At a time other than an evaluation conducted under the Teacher Excellence and Support System, if a superintendent or other school administrator charged with the supervision of a teacher believes or has reason to believe that the teacher is having difficulties or problems meeting the expectations of the school district or its administration and the administrator believes or has reason to believe that the problems could lead to termination or nonrenewal of contract, the superintendent or other school administrator shall:

(1) Bring in writing the problems and difficulties to the attention of the teacher involved; and

(2) Document the efforts that have been undertaken to assist the teacher to correct whatever appears to be the cause for potential termination or nonrenewal.

History. Acts 1983, No. 936, § 7; A.S.A. 1947, § 80-1266.6; Acts 2009, No. 376, § 33; 2011, No. 1209, § 7.

Amendments. The 2009 amendment deleted former (b); redesignated the remaining subsection accordingly and subdivided it; and made related and minor stylistic changes.

The 2011 amendment substituted “under the Teacher Excellence and Support

System, § 6-17-2801 et seq.” for “annually” in (a); and, in (b), substituted “At a time other than an evaluation conducted under the Teacher Excellence and Support System, if” for “When,” and “the superintendent or other school administrator” for “the administrator.”

6-17-1506. Contract renewal — Notice of nonrenewal — Rescission.**CASE NOTES****ANALYSIS**

Nonrenewal of Contracts.
Notice.

Nonrenewal of Contracts.

Circuit court did not err in granting a teacher injunctive relief and enjoining a school district from denying the teacher a hearing or refusing to renew his contract until his rights were adjudicated in the hearing because the teacher was entitled to the provision of the Arkansas Teacher Fair Dismissal Act, § 6-17-1509, that afforded him a hearing; nothing in the Act indicates that a teacher is not employed unless he or she has a written contract, and the requirement of the Act, found in

subsection (a) of this section, that a teacher’s contract must be renewed in writing refers to an original “contract” but does not specify that it be a written contract. *Fayetteville Pub. Schs v. Dial*, 2010 Ark. App. 296, — S.W.3d — (2010), rehearing denied, — Ark. App. —, — S.W.3d —, 2010 Ark. App. LEXIS 445 (May 12, 2010).

Notice.

District court did not err in dismissing the teacher’s cause against the school district where the school district complied with the provisions of subdivision (b)(2)(B) of this section such that a reasonable teacher could prepare a defense; the teacher was able to defend on all issues raised. *Russell v. Watson Chapel Sch. Dist.*, 2009 Ark. 79, 313 S.W.3d 1 (2009).

6-17-1507. Notice of termination recommendation.

(a) A teacher may be terminated only during the term of any contract when there is a reduction in force created by districtwide reduction in licensed staff or for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause.

(b) The superintendent shall notify the teacher of the termination recommendation.

(c)(1) The notice shall include a statement of the grounds for the recommendation of termination, setting forth the grounds in separately numbered paragraphs so that a reasonable teacher can prepare a defense.

(2) The notice shall be delivered in person to the teacher or sent by registered or certified mail to the teacher at the teacher's residence address as reflected in the teacher's personnel file.

History. Acts 1983, No. 936, § 5; A.S.A. 1947, § 80-1266.4; Acts 1999, No. 852, § 2; 2001, No. 1739, § 2; 2011, No. 989, § 56.

Amendments. The 2011 amendment substituted "licensed" for "certified" in (a).

6-17-1509. Hearing.

CASE NOTES

Right Generally.

Circuit court did not err in granting a teacher injunctive relief and enjoining a school district from denying the teacher a hearing or refusing to renew his contract until his rights were adjudicated in the hearing because the teacher was entitled to the provision of this section, the Arkansas Teacher Fair Dismissal Act, that afforded him a hearing; nothing in the Act indicates that a teacher is not employed

unless he or she has a written contract, and the requirement of the Act, § 6-17-1506(a), that a teacher's contract must be renewed in writing refers to an original "contract" but does not specify that it be a written contract. *Fayetteville Pub. Schs v. Dial*, 2010 Ark. App. 296, — S.W.3d — (2010), rehearing denied, — Ark. App. —, — S.W.3d —, 2010 Ark. App. LEXIS 445 (May 12, 2010).

6-17-1510. Board action on termination or nonrenewal — Appeal.

(a) Upon conclusion of its hearing with respect to the termination or nonrenewal of a contract of a teacher who has been employed as a full-time teacher by the school district for less than three (3) continuous years, the board of directors shall take action on the recommendations by the superintendent with respect to the termination or nonrenewal of such contract. The board of directors' decision with regard to nonrenewal of a probationary teacher shall be final.

(b) Any licensed teacher who has been employed continuously by the school district three (3) or more years or who may have achieved nonprobationary status pursuant to § 6-17-1502 may only be terminated or the board of directors may refuse to renew the contract of the

teacher when there is a reduction in force created by districtwide reduction in licensed personnel, for incompetent performance, conduct which materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause. Upon completion of the hearing, the board of directors, within ten (10) days after the holding of the hearing, shall:

(1) Uphold the recommendation of the superintendent to terminate or not renew the teacher's contract;

(2) Reject or modify the superintendent's recommendation to terminate or not renew the teacher's contract; or

(3) Vote to continue the contract of the teacher under such restrictions, limitations, or assurances as the board of directors may deem to be in the best interest of the school district. The decision shall be reached by the board of directors within ten (10) days from the date of the hearing, and a copy shall be furnished in writing to the teacher involved, either by personally delivering it to the teacher or by addressing it to the teacher's last known address by registered or certified mail.

(c) Subsequent to any hearing granted a teacher by this subchapter, the board of directors, by majority vote, shall make specific written conclusions with regard to the truth of each reason given the teacher in support of the recommended termination or nonrenewal.

(d) The exclusive remedy for any nonprobationary teacher aggrieved by the decision made by the board of directors shall be an appeal therefrom to the circuit court of the county in which the school district is located, within seventy-five (75) days of the date of written notice of the action of the board of directors. Additional testimony and evidence may be introduced on appeal to show facts and circumstances showing that the termination or nonrenewal was lawful or unlawful.

History. Acts 1983, No. 936, § 10; A.S.A. 1947, § 80-1266.9; Acts 2001, No. 1739, § 3; 2011, No. 989, § 57.

Amendments. The 2011 amendment,

in (b), substituted "licensed" for "certified" and "licensed personnel" for "certified staff."

CASE NOTES

ANALYSIS

In General.

Probationary Teachers.

In General.

Where a discharged teacher took a voluntary nonsuit of the claim under subsection (c) of this section she filed in state county court, she had the right to refile that claim within one year, which she did. *Richardson v. Booneville Sch. Dist.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 6132 (W.D. Ark. Jan. 21, 2011).

Because the administrative hearing under subsection (d) of this section was

clearly remedial and designed to correct the evidentiary record at the predetermination hearing, and the hearing was not a hearing de novo but only an opportunity to present additional evidence, the discharged teacher had the right to pursue the 42 U.S.C.S. § 1983 action even though she took a voluntary nonsuit in the state circuit court under Ark. R. Civ. P.41. *Richardson v. Booneville Sch. Dist.*, — F. Supp. 2d —, 2011 U.S. Dist. LEXIS 6132 (W.D. Ark. Jan. 21, 2011).

Probationary Teachers.

Order awarding judgment to a teacher in a breach of contract suit against a

school district was upheld where a probationary teacher could pursue a breach of contract suit independently of the Teacher

Fair Dismissal Act. Greenwood Sch. Dist. v. Leonard, 102 Ark. App. 324, 285 S.W.3d 284 (2008).

SUBCHAPTER 19 — MINORITY RECRUITMENT

SECTION.

6-17-1903. [Repealed.]

6-17-1903. [Repealed.]

Publisher's Notes. This section, concerning the creation of the Minority Teacher Recruitment Advisory Council,

was repealed by Acts 2009, No.1484, § 1. The section was derived from Acts 1991, No. 1164, § 2.

SUBCHAPTER 23 — PERSONNEL POLICY LAW FOR CLASSIFIED EMPLOYEES

SECTION.

6-17-2301. Requirement.

6-17-2302. Applicability.

6-17-2303. Committee for each school district.

SECTION.

6-17-2305. Organization and duties of committee.

6-17-2301. Requirement.

(a) Each school district in the State of Arkansas shall have a set of written personnel policies, including the salary schedule for classified employees.

(b) For the purposes of this subchapter, there shall be five (5) classifications of classified employees as provided in § 6-17-2303.

(c) Personnel policies of concern to the classified personnel policies committee shall include, but are not limited to, the following terms and conditions of employment:

- (1) Salary schedule, fringe benefits, and other compensation issues;
- (2) Annual school calendar, including work days and holidays;
- (3) Evaluation procedures;
- (4) Leave;
- (5) Grievance procedures;
- (6) Termination, nonrenewal, or suspension;
- (7) Reduction in force; and
- (8) Assignments.

(d)(1) A school district shall not receive in any year any additional state funding from the Public School Fund until the school district has posted on the school district's website, in accordance with § 6-11-129, its current personnel policies for classified employees signed by the president of the school board, including any salary schedules as required by this subchapter.

(2) By September 15 of each year, a school district shall provide the Department of Education with the website address at which its current personnel policies for classified employees, including the salary schedule, may be found.

(e) The department shall notify any school district that has not filed its policies in accordance with this section.

History. Acts 2003, No. 1780, § 1; funding" for "funds" and "posted on the 2005, No. 951, § 1; 2011, No. 989, § 58. school district's website, in accordance

Amendments. The 2011 amendment, with § 6-11-129" for "filed by the estab- in (d)(1), substituted "additional state lished deadline"; and rewrote (d)(2).

6-17-2302. Applicability.

(a) The provisions of this subchapter shall not apply if the school district chooses to officially recognize in its policies an organization representing the majority of the nonmanagement classified employees of the school district for the purpose of negotiating personnel policies, salaries, and educational matters of mutual concern under a written policy agreement.

(b)(1) "Classified employee" means any person employed by a school district under a written annual contract who is not required to have a teaching license issued by the Department of Education as a condition of employment.

(2) "Classified employee administrator" means any classified or licensed employee who evaluates nonmanagement classified employees and any classified employee who supervises but does not evaluate other classified employees if the nonmanagement classified employees exclude them.

(3) "Nonmanagement classified employee" means any classified employee who does not evaluate other classified employees. The nonmanagement classified employees in a school district, at their discretion in an election conducted in accordance with § 6-17-2303(c), include in this definition classified employees who supervise but do not evaluate other classified employees.

History. Acts 2003, No. 1780, § 2; substituted "license" for "certificate" in 2005, No. 951, § 1; 2011, No. 989, § 59. (b)(1); and substituted "licensed" for "cer-

Amendments. The 2011 amendment tified" in (b)(2).

6-17-2303. Committee for each school district.

(a)(1) Each school district shall have a committee on personnel policies for classified employees which consist of at least one (1) nonmanagement classified representative from each of the following five (5) classifications:

- (A) Maintenance, operation, and custodians;
- (B) Transportation;
- (C) Food service;
- (D) Secretary and clerk; and
- (E) Aides and paraprofessionals.

(2) All other job classifications of classified employees not identified in the five (5) classifications may be grouped together and added as an at-large classification and shall have at least one (1) nonmanagement

classified representative on the committee on classified personnel policies.

(b) There shall be no more than three (3) classified employee administrators on the committee, one (1) of whom may be the superintendent of schools. The classified employee administrators on the committee shall be appointed by the school board of directors or its designee.

(c) The nonmanagement classified employee member of the committee shall be elected by a majority of all nonmanagement classified employees voting by secret ballot.

(d) The election shall be conducted solely and exclusively by the nonmanagement classified employees, including distribution of ballots to all nonmanagement classified employees.

(e) The election shall be conducted by mid-October.

(f) There shall be no additional monetary compensation for service on the committee.

History. Acts 2003, No. 1780, § 3; inserted "and custodians" in (a)(1)(A), and 2005, No. 951, § 1; 2009, No. 201, § 1. made a related change.

Amendments. The 2009 amendment

6-17-2305. Organization and duties of committee.

(a) The school district's committee on personnel policies for classified employees shall organize itself in October, elect a chair and secretary, and develop a calendar of meetings throughout the year to review the school district's personnel policies to:

(1) Determine whether additional policies or amendments to existing policies are needed;

(2) Review any policies or changes to policies proposed by the board of directors; and

(3) Propose additional policies or amendments to existing personnel policies to the board of directors.

(b) Minutes of the committee meetings shall be promptly reported and distributed to members of the board of directors and posted in the work sites of the school district, including administrative offices.

(c)(1) Either the committee or the board of directors may propose new personnel policies or amendments to existing policies.

(2) New personnel policies or amendments to existing personnel policies proposed by the board of directors may not be voted on by the board of directors as a school district policy unless the final form of the policy to be voted on has been submitted as a proposed policy to the committee for consideration at least ten (10) working days before the vote of the board of directors.

(3)(A) The superintendent may recommend any changes in personnel policies to the board of directors or the personnel policies committee.

(B) The recommendations may then become proposals at the discretion of either the board of directors or the committee.

(d) The chair of the committee or a committee member designated by the chair shall be placed on the board of directors' agenda and shall

have the opportunity to orally present to the board of directors the committee's comments, positions, or proposals on the final form of any proposed policies or amendments to existing policies whether proposed by the committee or the board of directors, before they are voted on by the board of directors as school district policies.

(e) After the oral presentation to the board of directors, final action may be taken immediately, but final action shall be taken no later than the next regular board of directors meeting.

(f) The board of directors may adopt, reject, or refer to the committee on personnel policies for further study and revision any proposed policies or amendments to existing policies that are submitted to the board of directors for consideration by the committee.

History. Acts 2003, No. 1780, § 5; 2005, No. 951, § 1; 2009, No. 1492, § 1.

Amendments. The 2009 amendment inserted (a)(2) and (a)(3) and made related changes; rewrote (c) and (d); in (e), in-

serted "the oral" and substituted "may be taken immediately, but final action shall be taken" for "shall be taken"; and, in (f), added "by the committee" and made a minor stylistic change.

SUBCHAPTER 24 — TEACHER COMPENSATION PROGRAM OF 2003

SECTION.

6-17-2402. Definitions.

6-17-2402. Definitions.

As used in this subchapter:

(1) "Basic contract" means a teacher employment contract for one hundred ninety (190) days that includes ten (10) days of professional development;

(2) "Master's degree" means a graduate degree awarded for successful completion of a program at the master's level or higher related to:

(A) Education;

(B) Guidance counseling; or

(C) A teacher's teaching content area; and

(3) "Teacher" means:

(A) An individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time;

(B) A guidance counselor; or

(C) A librarian.

History. Acts 2003 (2nd Ex. Sess.), No. 59, § 2; 2003 (2nd Ex. Sess.), No. 74, § 1; 2011, No. 1178, § 3.

Amendments. The 2011 amendment added (2) and redesignated former (2) as (3).

6-17-2403. Minimum teacher compensation schedule.

A.C.R.C. Notes. Acts 2010, No. 293, § 23, provided: "AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department's Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions for Average Salary for Classroom Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report 'Rankings and Estimates' which includes state-by-state teacher salary comparisons."

Acts 2011, No. 1075, § 23, provided: "AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to calculate Average Teacher Salary in the Department's Annual Statistical Report to not include extra duty funds. Specifically, the Department is requested to calculate the Average Teacher Salary amount using the National Education Association definitions for Average Salary for Classroom Teachers. The Arkansas Department of Education shall submit this data annually to the National Education Association in accordance with that organization's deadlines for submission for their report "Rankings and Estimates" which includes state-by-state teacher salary comparisons."

SUBCHAPTER 26 — LIFETIME TEACHING LICENSE

SECTION.

6-17-2603. Eligibility.

6-17-2604. Lifetime teaching license.

SECTION.

6-17-2605. Employment by a public school district.

6-17-2603. Eligibility.

To be eligible for a lifetime teaching license, the licensed educator must:

- (1) Hold a current or expired Arkansas teaching license;
- (2) Be at least sixty-two (62) years of age; and
- (3) Have either:

(A) Worked in an educational setting while maintaining an Arkansas teaching license; or

(B) Made significant contributions to education, educational research, or the profession of teaching through scholarly endeavors, teaching experience, excellence in teaching, or educational innovation.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 1.

Amendments. The 2009 amendment substituted "licensed educator" for "certified employee" in the introductory lan-

guage; inserted "or expired" in (1); substituted "at least sixty-two (62)" for "over sixty-five (65)" in (2); and in (3), redesignated the text and made related and minor stylistic changes.

6-17-2604. Lifetime teaching license.

(a) A person who meets the eligibility requirements of § 6-17-2603 may apply for a lifetime teaching license by filing an application with the Department of Education.

(b)(1) The State Board of Education shall review the application.

(2) If the state board approves the application, the state board shall reissue the applicant's current or expired Arkansas teaching license as a lifetime teaching license.

(3) A lifetime teaching license applicant is subject to a criminal background check under § 6-17-410 upon application.

(c) Except as provided in subsection (d) of this section, the lifetime teaching license shall terminate upon the death or legal incapacity of the license holder.

(d) A lifetime teaching license is subject to the same laws for revocation as any Arkansas teaching license.

(e) A person who holds a lifetime teaching license is not required to renew his or her teaching license.

(f) Except to the extent required by § 6-17-2605, a lifetime teaching license holder is not subject to the requirements for annual professional development.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 2.

Amendments. The 2009 amendment rewrote (a); inserted "or expired Arkansas teaching" in (b)(2); inserted "under § 6-17-410" in (b)(3); substituted "terminate

upon the death or legal incapacity of the license holder" for "be reissued every five (5) years" in (c); deleted (f)(2); inserted "Except to the extent required by § 6-17-2605" in (f); and made related and minor stylistic changes.

6-17-2605. Employment by a public school district.

(a) A lifetime teaching license holder is eligible to serve as a substitute teacher and as a tutor.

(b) A lifetime teaching license holder who becomes employed as a licensed educator by a school district shall participate in the professional development programs required by the employing school district.

(c) A lifetime teaching license holder who has not taught in an educational setting for one (1) or more years shall be required to provide to the Department of Education verification of twenty (20) hours of professional development prior to reentering the educational setting.

History. Acts 2007, No. 169, § 1; 2009, No. 224, § 3.

Amendments. The 2009 amendment inserted "as a licensed educator" in (b).

SUBCHAPTER 27 — SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH FUND

SECTION.

6-17-2703. Application process.

6-17-2703. Application process.

(a) Licensed math and science teachers who are currently teaching science, technology, engineering, and math subjects in kindergarten through grade twelve (K-12) may apply to the Arkansas Economic Development Commission for a supplemental grant from the Science, Technology, Engineering, and Math Fund for that portion of the day in

which they are teaching science, technology, engineering, or math subjects or laboratories.

(b) Selection and identification of qualified science, technology, engineering, and math teachers shall be coordinated with the Department of Education for identification of qualified science, technology, engineering, and math teachers.

(c) Applications for supplemental grants from the Science, Technology, Engineering, and Math Fund shall be made to the commission by February 1 and September 1 of each year.

(d) The application shall be made on forms prepared by the commission.

(e) The application shall be accompanied by a letter of certification, on a form to be provided by the commission, from the principal of the school in which the science, technology, engineering, or math teacher is employed.

(f) The commission shall review the applications in accordance with rules promulgated by the commission in coordination with the department to determine if the applicant qualifies for a supplemental grant from the fund.

(g) After determining eligibility for a supplemental grant from the Science, Technology, Engineering, and Math Fund, the commission shall notify, in writing, the applicant of the decision of eligibility.

History. Acts 2007, No. 564, § 4; 2011, substituted “Licensed” for “Certified” in No. 989, § 60. (a).

Amendments. The 2011 amendment

SUBCHAPTER 28 — TEACHER EXCELLENCE AND SUPPORT SYSTEM

- SECTION.
6-17-2801. Title.
6-17-2802. Legislative intent.
6-17-2803. Definitions.
6-17-2804. Administrative agency responsibilities.
6-17-2805. Summative evaluations.

- SECTION.
6-17-2806. Teacher support components.
6-17-2807. Intensive support status.
6-17-2808. Implementation — Applicability.
6-17-2809. Administrator evaluations.

A.C.R.C. Notes. Acts 2011, No. 1209, § 10, provided: “(a) By September 1, 2012, the State Board of Education shall develop the evaluation framework, evaluation rubric, and all rules for implementation of this act.

“(b)(1) Between September 1, 2012, and August 31, 2013, the Department of Education, or any educational association approved by the department, shall conduct training sessions for all superintendents, administrators, evaluators, and teachers on the Teacher Excellence and Support System.

“(2) The department shall ensure that the participants have more than one (1) opportunity to participate in the training.

“(c) In the 2013-2014 school year, the department shall implement a one-year pilot program using the Teacher Excellence and Support System in one (1) or more school districts and shall obtain feedback from the superintendents, administrators, evaluators, and teachers involved in the pilot program to inform the department concerning needed amendments to state board rules or changes in state law.”

6-17-2801. Title.

This subchapter shall be known and may be cited as the “Teacher Excellence and Support System”.

History. Acts 2011, No. 1209, § 8.

6-17-2802. Legislative intent.

It is the intent of the General Assembly to:

(1) Provide a program affording public school districts and public charter schools a transparent and consistent teacher evaluation system that ensures effective teaching and promotes professional learning;

(2) Provide an evaluation, feedback, and support system that will encourage teachers to improve their knowledge and instructional skills in order to improve student learning;

(3) Provide a basis for making teacher employment decisions;

(4) Provide an integrated system that links evaluation procedures with curricular standards, professional development activities, targeted support, and human capital decisions;

(5) Encourage highly effective teachers to undertake challenging assignments;

(6) Support teachers’ roles in improving students’ educational achievements;

(7) Inform policymakers regarding the benefits of a consistent evaluation and support system in regard to improving student achievement across the state; and

(8) Increase the awareness of parents and guardians of public school students concerning the effectiveness of public school teachers.

History. Acts 2011, No. 1209, § 8.

6-17-2803. Definitions.

As used in this subchapter:

(1) “Artifact” means a documented piece of evidence chosen by the teacher being evaluated, the evaluator, or both, that:

(A) Relates to the evaluation rubric; and

(B) Represents output from one (1) or more of the following, without limitation:

(i) Lesson plans or pacing guides aligned with the state standards;

(ii) Self-directed or collaborative research approved by an evaluator;

(iii) Participation in professional development;

(iv) Contributions to parent, community, or professional meetings;

(v) Classroom assessments including:

(a) Unit tests;

(b) Samples of student work, portfolios, writing, and projects;

(c) Pre-assessments and post-assessments; and

(d) Classroom-based formative assessments;

- (vi) District-level assessments including:
 - (a) Formative assessments;
 - (b) Grade or subject level assessments;
 - (c) Department-level assessments; and
 - (d) Common assessments;
 - (vii) State-level assessments including:
 - (a) End-of-course assessments;
 - (b) Statewide assessments of student achievement; and
 - (c) Career and technical assessments; and
 - (viii) National assessments including:
 - (a) Advanced placement assessments;
 - (b) Norm-referenced assessments; and
 - (c) Career and technical assessments;
- (2)(A) "Evaluation" means the process under this subchapter used to:
- (i) Assess with evidence what a teacher should know and be able to do as measured by the categories and performance levels of an evaluation framework; and
 - (ii) Promote teacher growth through professional learning.
- (B) "Evaluation" does not include a teacher's performance relating to competitive athletics and competitive extracurricular activities;
- (3) "Evaluation framework" means a standardized set of teacher evaluation categories that provide the overall basis for an evaluation;
- (4) "Evaluation rubric" means a set of performance descriptors for each teacher evaluation category in the evaluation framework;
- (5) "Evaluator" means a person licensed by the State Board of Education as an administrator who is designated as the person responsible for evaluating teachers;
- (6) "External assessment measure" means a measure of student achievement or growth that is administered, developed, and scored by a person or entity other than the teacher being evaluated, except that the assessment may be administered by the teacher being evaluated if the assessment is monitored by a licensed individual designated by the evaluator;
- (7) "Formal classroom observation" means an announced visit to a classroom that:
- (A) Is preceded by a pre-observation conference to discuss the lesson plan and objectives;
 - (B)(i) Is conducted by an evaluator for at least seventy-five percent (75%) of the class period either by observing the teacher in the classroom or through the use of three-hundred-sixty-degree video technology.
 - (ii) The length of time for a formal classroom observation of a teacher teaching in a block schedule or in a class period lasting longer than sixty (60) minutes may be adjusted to allow for an observation for forty-five (45) minutes or more of the teacher's class period;
 - (C) Facilitates a professional dialogue for the teacher and evaluator; and
 - (D) Provides essential evidence of the teacher's classroom practices;

(8) "Formative assessment" means an evaluation of a student's learning that is given before the student completes a course of instruction to foster the student's development and improvement on a specific strand within the course of instruction;

(9) "Informal classroom observation" means an observation conducted by an evaluator for the same purpose as a formal classroom observation but may be:

(A) Unannounced; or

(B) For a shorter period of time than a formal classroom observation;

(10) "Intensive support status" means the employment status administered under this subchapter that is assigned to a teacher under § 6-17-2807;

(11) "Interim teacher appraisal" means a form of evaluation, other than a summative evaluation, that:

(A) Provides support for teaching practices; and

(B) Uses standards for teacher growth and performance that are consistent with the evaluation rubrics for the teacher evaluation categories of a summative evaluation;

(12) "Novice teacher" means a teacher having less than one (1) school year of public school classroom teaching experience;

(13) "Post-observation conference" means a conference between the teacher and evaluator following a formal classroom observation to discuss:

(A) The evaluator's observations; and

(B) Artifacts presented by the teacher after the formal classroom observation;

(14) "Pre-observation conference" means a conference between the teacher and evaluator to discuss goals and planned outcomes for a classroom lesson before a formal classroom observation;

(15) "Probationary teacher" means the same as probationary teacher under § 6-17-1502;

(16) "Statewide assessment of student achievement" means a statewide benchmark exam, end-of-course assessment, or a summative assessment of student achievement administered through:

(A) The Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq.; or

(B) A program of common core assessments administered under rules of the State Board of Education;

(17) "Summative assessment" means an evaluation of student achievement given at the completion of a course of instruction that cumulatively measures whether the student met long-term learning goals for the course;

(18) "Summative evaluation" means an evaluation of a teacher's performance that evaluates all categories of the evaluation framework that supports:

(A) Improvement in the teacher's teaching practices and student achievement; and

(B) A school district's employment decision concerning the teacher;

(19)(A) "Teacher" means a person who is:

(i) Required to hold and holds a teaching license from the state board as a condition of employment; and

(ii) Employed in a public school as a:

(a) Classroom teacher engaged directly in instruction with students in a classroom setting;

(b) Guidance counselor;

(c) Library media specialist;

(d) Special education teacher; or

(e) Teacher in another position identified by the state board.

(B) "Teacher" also includes a nonlicensed classroom teacher employed at a public charter school under a waiver of teacher licensure requirements granted by the state board in the charter.

(C) "Teacher" does not include a person who is employed full time by a school district or public school solely as a superintendent or administrator; and

(20) "Tested content area" means a teaching content area that is tested under a statewide assessment of student achievement.

History. Acts 2011, No. 1209, § 8.

6-17-2804. Administrative agency responsibilities.

(a) The State Board of Education shall promulgate rules for the Teacher Excellence and Support System consistent with this subchapter.

(b) The rules shall without limitation:

(1) Recognize that student learning is the foundation of teacher effectiveness and many factors impact student learning, not all of which are under the control of the teacher or the school, and that evidence of student learning includes trend data and is not limited to a single assessment;

(2) Provide that the goals of the Teacher Excellence and Support System are quality assurance and teacher growth;

(3) Reflect evidence-based or proven practices that improve student learning;

(4) Utilize clear, concise, evidentiary data for teacher professional growth and development to improve student achievement;

(5) Recognize that evidence of student growth is a significant part of the Teacher Excellence and Support System;

(6) Ensure that student growth is analyzed at every level of the evaluation system to illustrate teacher effectiveness;

(7) Require annual evidence of student growth from artifacts and external assessment measures;

(8) Include clearly defined teacher evaluation categories, performance levels, and evaluation rubric descriptors for the evaluation framework;

(9) Include procedures for implementing each component of the Teacher Excellence and Support System; and

(10) Include the professional development requirements for all superintendents, administrators, evaluators, and teachers to obtain the training necessary to be able to understand and successfully implement a Teacher Excellence and Support System under this subchapter.

History. Acts 2011, No. 1209, § 8.

6-17-2805. Summative evaluations.

(a) The evaluation framework for a summative evaluation for a classroom teacher shall include:

(1) The following teacher evaluation categories:

(A) Planning and preparation;

(B) Classroom environment;

(C) Instruction; and

(D) Professional responsibilities; and

(2) An evaluation rubric using nationally accepted descriptors that consists of the following four (4) performance levels:

(A) Distinguished;

(B) Proficient;

(C) Basic; and

(D) Unsatisfactory.

(b) A summative evaluation shall result in a written:

(1) Evaluation determination for the teacher's performance level on each teacher evaluation category; and

(2) Summative evaluation determination of the teacher's performance level on all teacher evaluation categories as a whole.

(c) A summative evaluation shall use an appropriate evaluation framework, evaluation rubric, and external assessment measurements for a teacher who is not a classroom teacher, including without limitation:

(1) A guidance counselor;

(2) A library media specialist;

(3) A special education teacher; or

(4) Other teacher as identified by the State Board of Education.

(d)(1) In a tested content area, one-half ($\frac{1}{2}$) of the artifacts considered by the teacher and evaluator shall be external assessment measures chosen by the teacher and evaluator, or by the evaluator if the teacher and evaluator are unable to agree.

(2)(A) Except as provided in subdivision (d)(2)(B), in a nontested content area, one-half ($\frac{1}{2}$) of the artifacts considered by the teacher and evaluator, or by the evaluator if the teacher and evaluator cannot agree, shall be external assessments.

(B) If an external assessment measure does not exist for the nontested content area, the Department of Education shall by rule determine the type of artifact that may be used otherwise to satisfy the external assessment measure requirement under subdivision (d)(2)(A) of this section.

- (e) A summative evaluation process shall include:
 - (1) A pre-observation conference and post-observation conference;
 - (2) A formal classroom observation and informal classroom observation;
 - (3) Presentations of artifacts chosen by the teacher, the evaluator, or both;
 - (4) An opportunity for the evaluator and teacher to discuss the review of external assessment measures used in the evaluation;
 - (5) A written evaluation determination for each teacher evaluation category and a written summative evaluation determination;
 - (6) Feedback based on the evaluation rubric that the teacher can use to improve teaching skills and student learning; and
 - (7) Feedback from the teacher concerning the evaluation process and evaluator.

History. Acts 2011, No. 1209, § 8.

6-17-2806. Teacher support components.

- (a)(1) Except as provided in subdivision (a)(3) of this section, a teacher being evaluated and the evaluator, working together, shall develop a professional learning plan for the teacher that:
 - (A) Identifies professional learning outcomes to advance the teacher's professional skills; and
 - (B) Clearly links professional development activities and the teacher's individual professional learning needs identified through the Teacher Excellence and Support System.
- (2) The professional learning plan shall require that at least one-half (½) of the professional development hours required by law or rule for a teacher are directly related to one (1) or more of:
 - (A) The teacher's content area;
 - (B) Instructional strategies applicable to the teacher's content area; or
 - (C) The teacher's identified needs.
- (3) If a teacher and evaluator cannot agree on a professional learning plan, the evaluator's decision shall be final.
- (4)(A) For a teacher in intensive support status, the evaluator or an administrator designated by the evaluator shall have final approval of the teacher's professional learning plan.
 - (B) Until the teacher is removed from intensive support status, all professional development identified in the professional learning plan, except professional development that is required by law or by the public school where the teacher is employed, shall be directly related to the individual teacher's needs.
- (b)(1) Interim teacher appraisals shall be used to support teachers on an ongoing basis throughout the school year and:
 - (A) Provide a teacher with immediate feedback about the teacher's teaching practices;

(B) Engage the teacher in a collaborative, supportive learning process; and

(C) Help the teacher use formative assessments to inform the teacher of student progress and adapt teaching practices based on the formative assessments.

(2) The interim teacher appraisal process may be guided in whole or in part by an evaluator or by one (1) or more of the following persons designated by the evaluator:

(A) A teacher designated by an administrator as a leader for the teaching content area of a teacher who is being evaluated;

(B) An instructional facilitator;

(C) A curriculum specialist; or

(D) An academic coach for the teacher's content area.

(c) The Teacher Excellence and Support System also shall include novice teacher mentoring and induction for each novice teacher employed at the public school that:

(1) Provides training, support, and follow-up to novice teachers to increase teacher retention;

(2) Establishes norms of professionalism; and

(3) Leads to improved student achievement by increasing effective teacher performance.

History. Acts 2011, No. 1209, § 8.

6-17-2807. Intensive support status.

(a)(1) An evaluator shall place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" in any one (1) entire teacher evaluation category of the evaluation framework.

(2) An evaluator may place a teacher in intensive support status if the teacher has a rating of "Unsatisfactory" or "Basic" in a majority of descriptors in a teacher evaluation category.

(b) If a teacher is placed in intensive support status, the evaluator shall:

(A) Establish the time period for the intensive support status; and

(B)(i) Provide a written notice to the teacher that the teacher is placed in intensive support status.

(ii) The notice shall state that if the teacher's contract is renewed while the teacher is in intensive support status, the fulfillment of the contract term is subject to the teacher's accomplishment of the goals established and completion of the tasks assigned in the intensive support status.

(c)(1) The period of time specified by the evaluator for intensive support status shall afford the teacher an opportunity to accomplish the goals of and complete the tasks assigned in the intensive support status.

(2) Intensive support status shall not last for more than two (2) consecutive semesters unless the teacher has substantially progressed

and the evaluator elects to extend the intensive support status for up to two (2) additional consecutive semesters.

(d) The evaluator shall work with the teacher to:

(1) Develop a clear set of goals and tasks that correlate to:

(A) The professional learning plan; and

(B) Evidence-based research concerning the evaluation category that forms the basis for the intensive support status; and

(2) Ensure the teacher is offered the support that the evaluator deems necessary for the teacher to accomplish the goals developed and complete the tasks assigned while the teacher is in intensive support status.

(e)(1) If the intensive support status is related to student performance, the teacher shall use formative assessments to gauge student progress throughout the period of intensive support status.

(2) The teacher shall be offered the support necessary to use formative assessments under this subsection during the intensive support status.

(f) At the end of the specified period of time for intensive support status, the evaluator shall:

(1) Evaluate whether the teacher has met the goals developed and completed the tasks assigned for the intensive support status; and

(2) Provide written notice to the teacher that the teacher either:

(A) Is removed from intensive support status; or

(B) Has failed to meet the goals and complete the tasks of the intensive support status.

(g)(1) If a teacher does not accomplish the goals and complete the tasks established for the intensive support status during the period of intensive support status, the evaluator shall notify the superintendent of the school district where the teacher is employed and provide the superintendent with documentation of the intensive support status.

(2)(A) Upon review and approval of the documentation, the superintendent shall recommend termination or nonrenewal of the teacher's contract.

(B) A recommendation for termination or nonrenewal of a teacher's contract under this section shall be made pursuant to the authority granted to a superintendent for recommending termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(3) When a superintendent makes a recommendation for termination or nonrenewal of a teacher's contract under subdivision (g)(2) of this section, the public school:

(A) Shall provide the notice required under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq., but is exempt from the provisions of § 6-17-1504(b); and

(B)(i) If the public school has substantially complied with the requirements of this section, is entitled to a rebuttable presumption that the public school has a substantive basis for the termination or nonrenewal of the teacher's contract under the applicable standard

for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(ii) The presumption may be rebutted by the teacher during an appeal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

(4) This section does not preclude a public school superintendent from:

(A) Making a recommendation for the termination or nonrenewal of a teacher's contract for any lawful reason under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.; or

(B) Including in a recommendation for termination or nonrenewal of a teacher's contract under this section any other lawful reason for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

History. Acts 2011, No. 1209, § 8.

6-17-2808. Implementation — Applicability.

(a) Beginning in the 2014-2015 school year, a public school shall implement the Teacher Excellence and Support System for all teachers employed at the public school under the rules established by the State Board of Education.

(b)(1) Annually during a school year, a public school shall conduct a summative evaluation for every teacher employed in the public school who is a:

(A) Novice teacher;

(B) Probationary teacher; or

(C) Teacher who successfully completed intensive support status within the current or immediately preceding school year.

(2)(A) At least one (1) time every three (3) school years, a public school shall conduct a summative evaluation for a teacher who is not in a status under subdivision (b)(1) of this section.

(B) In a school year in which a summative evaluation is not required for a teacher under this subdivision (b)(2), the teacher:

(i) Shall focus on elements of the teacher's professional learning plan as approved by the evaluator that are designed to help the teacher improve his or her teaching practices; and

(ii) With the evaluator's approval may:

(a) Collaborate with a team of teachers on a shared plan that benefits the whole school, a content area, or a grade level; or

(b) Conduct self-directed research related to the teacher's professional learning plan under § 6-17-2806.

(C) During the two (2) years in which a summative evaluation is not required, a public school may conduct an evaluation that is lesser in scope than a summative evaluation but uses the portions of the evaluation framework and evaluation rubrics that are relevant to the evaluation.

(c)(1) A teacher shall:

(A) Participate in the Teacher Excellence and Support System under this subchapter, including without limitation in:

(i) Classroom observations; and

(ii) Pre-observation and post-observation conferences; and

(B)(i) Collaborate in good faith with the evaluator to develop the teacher's professional learning plan under § 6-17-2806(a).

(ii) If a teacher and evaluator cannot agree on the professional learning plan, the evaluator's decision shall be final.

(2) A failure to comply with this subsection may be reflected in the teacher's evaluation.

(d) Every teacher contract renewed or entered into after July 27, 2011 is subject to and shall reference this subchapter.

(e) A public school that in the 2012-2013 and 2013-2014 school years uses a nationally recognized system of teacher evaluation and support that is substantially similar to the Teacher Excellence and Support System may continue to use that system and is deemed to have met the requirements of this section.

History. Acts 2011, No. 1209, § 8.

6-17-2809. Administrator evaluations.

The Department of Education shall provide technical assistance to school districts for developing and implementing instruments to evaluate administrators that weight an administrator evaluation on student performance and growth to the same extent as provided for teachers under the Teacher Excellence and Support System.

History. Acts 2011, No. 1209, § 8.



